(Part V.—Chapter XVII.—Water-supply.—Clauses 241-244.)

by sub-section (*1*); but such owner shall be entitled to recover rateably from the several occupiers any amount so paid.

(*4*) In any other case, if any premises change hands during any quarter, the last occupier shall be liable for any excess so supplied during the quarter, unless, not less than three days before the date of his occupation, he causes a written notice to be served upon the Corporation in which—

(*a*) the date upon which such occupation is to commence is stated, and

(*b*) the Corporation are required to cause the meter to be read on the said date.

(*5*) Upon receipt of such notice the Corporation shall cause the meter to be read, and the previous occupier shall be liable for any such excess over the quantity to which he is entitled under section 225 in accordance with the proportion of the consolidated rate payable up to the date of the reading of the meter, or according to the number of the inmates of the said premises up to such date, as the case may be.

Presumption as to correctness of meter.

241. Whenever water is supplied under this chapter through a meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved. [*Cf.* 1899, s. 273.]

Rules as to meters.

242. The use, maintenance and testing of meters provided under this chapter, and the calculation of the amount payable under section 240 in case of the incorrectness of any such meter, shall be in accordance with and subject to the rules contained in Schedule XIII.

Occupier of premises to be primarily liable for certain offences relating to water-supply.

243. (*1*) If it be shown that an offence against any provision of this chapter, or against any rule or by-law made under this Act relating to water-supply, has occurred in any premises connected with the municipal water-supply, it shall, subject to the provisions of sub-section (*2*), be presumed, unless and until the contrary is proved, that such offence has been committed by the occupier of the said premises. [*Cf.* Bom. Act III of 1888, s. 286.]

(*2*) The existence of artificial means for— [*Cf.* 1899 s. 276 (*2*).]

(*a*) altering the index to any meter provided under this chapter for measuring filtered water, or

(*b*) preventing any such meter from duly registering the quantity of water supplied, or

(*c*) abstracting or using water before it has been registered by such meter,

shall, where the meter is under the custody or control of the consumer of such water, be *prima facie* evidence that the consumer has fraudulently caused such alteration, prevention, abstraction or use.

Supply of water for use beyond Calcutta.

Supply of filtered water to adjacent municipalities and cantonments.

244. (*1*) The Corporation may at any time, on receiving an application from the municipality or cantonment concerned, direct, by resolution, that such quantity of filtered water *per diem* as may be specified [*Cf.* 1899, s. 278.]

in the resolution shall be delivered into reservoirs or pipes placed in—

(*a*) any of the following municipalities or cantonments, namely :—

Municipalities :

Baranagar,	North Dum-Dum,
Cossipur-Chitpur,	Panihati,
Garden Reach,	South Barrackpur,
Garulia,	South Dum-Dum,
Kamarhati,	South Suburban,
Maniktala,	Titaghar,
North Barrackpur,	Tollyganj;

Cantonments :

Barrackpur, | Dum-Dum ; or

(*b*) any municipality which is hereafter formed by subdividing any municipality mentioned in clause (*a*), or by uniting into one municipality any of the municipalities mentioned in that clause ;

and that for all water so delivered payment shall be made at such rate, not being less than the actual cost to the Corporation, as may be prescribed in such resolution.

(*2*) An appeal shall lie to the Local Government from any refusal by the Corporation to pass any such resolution, or from any direction given by the Corporation in any such resolution.

(*3*) Before deciding any such appeal, the Local Government shall consider any representation made by the Corporation with reference thereto.

(*4*) No order made on any such appeal shall direct the delivery of water at a lower rate of payment than the actual cost to the Corporation.

(*5*) Every order made by the Local Government on any such appeal shall be final.

Supply of water to persons residing out of Calcutta or for use without Calcutta.

245. (*1*) The Corporation may, in their discretion, allow any person not residing in Calcutta to take or be supplied with water on such terms as they may from time to time prescribe. [*Cf.* 1899, s. 279.]

(*2*) No person shall, without the written permission of the Corporation, take or cause to be taken for use without Calcutta water supplied under this chapter :

Provided that this sub-section shall not apply to water taken by travellers for use on a journey.

Power to extend this chapter to neighbourhood of Calcutta.

246. (*1*) If the Local Government determine that any area in the neighbourhood of Calcutta shall be included in the water-supply provided for by this chapter, they may, by notification in the *Calcutta Gazette*, extend this chapter or any portion thereof, together with any other portion of this Act which relates thereto, to such area. [*Cf.* 1899, s. 280.]

(*2*) In any such notification the boundaries of such area shall be defined, and the said notification shall take effect one month after the date of its publication in the *Calcutta Gazette*.

(*Part V.—Chapter XVII.—Water-supply.—Clauses 247, 248.*)

(*3*) When any portion of this Act has been so extended to any area, all expenses and compensation which, under this Act, may be ascertained and determined by a Court of Small Causes may be ascertained and determined by any Court of Small Causes having jurisdiction within such area; and any fines imposed for breach of any provisions of this chapter may be enforced, by a Magistrate having jurisdiction within such area, in the manner prescribed by the Code of Criminal Procedure, 1898, for the levy of fines. V of 1898.

Supplemental provisions.

General powers of the Corporation.

247. The Corporation shall have the same powers and be subject to the same restrictions for carrying water-mains in or without Calcutta as they have and are subject to for carrying drains in or without Calcutta. [*Cf.* 1899, s. 281.]

Power to Corporation to cut off or turn off supply of water to premises.

248. (*1*) Notwithstanding anything contained in this chapter, the Corporation may cut off the connection between any water-works of the Corporation and any premises to which water is supplied from such works, or may turn off such supply, in any of the following cases, namely :— [*Cf.* 1899, s. 283.]

(*a*) if the premises are unoccupied;

(*b*) if (in the case of a *bustee*) the owner, or (in any other case) the occupier, of the premises fails, for fifteen days after the due presentation of a bill or the due service of a notice, to pay any sum due to the Corporation from him or in respect of such premises;

(*c*) if, after receipt of a written notice from the Corporation requiring him to refrain from so doing, the owner or occupier of the premises continues to use the water or to permit the same to be used, in contravention of this Act or of any rule or by-law made thereunder;

(*d*) if the occupier of the premises contravenes section 222, sub-section (*2*), or section 245, sub-section (*2*);

(*e*) if the occupier refuses to admit any municipal officer or servant duly authorized in that behalf into the premises for the purpose of making any inspection under this chapter or under any rule or by-law relating to water-supply made under this Act, or prevents such municipal officer or servant from making such inspection;

(*f*) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe or tap conveying water from any works of the Corporation;

(*g*) if any pipes, taps, works or fittings connected with the supply of water to the premises be found, on examination by the Corporation, to be out of repair to such an extent as to cause a waste of water;

(*h*) if the use of the premises for human habitation has been prohibited under section 375;

(*i*) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached; or

(*j*) if there is a leak in the service-pipe or fittings which causes damage to the public street;

Provided as follows:—

(*i*) water supplied for flushing privies or urinals shall not be cut off or turned off;

(*ii*) water shall not be cut off or turned off in any case referred to in clauses (*b*), (*g*) or (*h*), unless written notice of not less than twenty-four hours has been given to the occupier of the premises;

(*iii*) if, when the Corporation demand payment of any expenses, their right to demand the same, or the amount of the demand, is disputed, the power to cut off or turn off water under clause (*b*) to secure payment of such expenses shall not be exercised unless and until the demand or part thereof is upheld on a reference made to a Court under section 512.

(*2*) The expense of cutting off the connection or of turning off the water and of restoring the same, as determined by the Corporation in any case referred to in sub-section (*1*), shall be paid, in the case of a *bustee*, by the owner of the premises, and in any other case by the owner or occupier of the premises:

Provided that no charge for such expense shall be made in the cases mentioned in clause (*a*) and clause (*h*) of the said sub-section.

(*3*) When all moneys for the non-payment of which water has been turned off or cut off from any premises under clause (*b*) of sub-section (*1*), have been duly paid to the Corporation, together with the expense of cutting off or turning off and restoring the water, they shall cause water to be supplied to such premises as before.

(*4*) If any money, for the non-payment of which water has been cut off or turned off from any premises under clause (*b*) of sub-section (*1*), was due from the owner of the premises and is paid by the occupier, the occupier may deduct the amount thereof from the rent of the premises, together with the expenses paid by him under sub-section (*2*).

(*5*) No action taken under or in pursuance of this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Filling up wells when water supplied.

[*Cf.* 1899, s. 284.]

249. Whenever a supply of filtered and unfiltered water has been provided in any street, the Corporation may, by written notice, require the owner of any well situated in premises which are supplied from the mains to fill it up with suitable materials.

Laying of pipes or construction of aqueducts beyond Calcutta for bringing water into Calcutta.

[*Cf.* 1899, s. 285.]

250. (*1*) When a plan for laying pipes or constructing aqueducts for bringing water into Calcutta from any place without Calcutta has been approved by the Local Government, the Corporation may, in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta through which such pipes or aqueducts are to run, all the powers which they might exercise under this Act or under any rule or by-law made thereunder if the said pipes or aqueducts were to run in Calcutta.

(*2*) The Magistrate of any district without Calcutta through which the said pipes or aqueducts are to run may exercise, in respect of such work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by the Corporation in Calcutta.

(*Part V.*)

CHAPTER XVIII.

DRAINS, PRIVIES AND OTHER RECEPTACLES FOR FILTH.

Proprietary rights of the Corporation in respect of drains.

Public drains, and drains in, alongside or under public streets, to vest in Corporation.

251. All public drains, and all drains in, alongside or under any public street, whether made at the charge of the Municipal Fund or otherwise, and all works, materials and things (including the soil) appertaining thereto shall vest in the Corporation. [*Cf.* 1899, s. 286.]

Drains, etc., constructed, etc., at charge of Municipal Fund on private premises to vest in Corporation.

252. All drains and ventilation-shafts, pipes and other appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the Municipal Fund in or upon premises not belonging to the Corporation, whether— [*Cf.* 1899, s. 287.]

(*a*) before or after the commencement of this Act, and

(*b*) for the use of the owner or occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or do at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

Duties of the Corporation in respect of maintenance and construction of drains.

Repair and provision of municipal drains by Corporation.

253. The Corporation shall keep all municipal drains in repair, and shall cause to be made such drains as may be necessary for effectually draining Calcutta. [*Cf.* 1899, s. 288.]

Provision by Corporation for outfall for discharge of storm-water and sewage.

254. (*1*) The Corporation shall provide a safe and sufficient outfall, in or without Calcutta, for the proper discharge of the storm-water and sewage of Calcutta in such manner as not to cause any nuisance, whether by flooding any part of Calcutta or of the country surrounding the outfall or in any other way. [*Cf.* 1899, s. 289.]

(*2*) The plans of such outfall and the method of disposing of sewage shall be subject to the sanction of the Local Government, who may from time to time direct such alterations to be made as they may consider necessary.

(*3*) If the outfall deteriorates, by the decay of existing river channels or otherwise, the Local Government may require such order to be taken, and such additions or alterations to be made to or in the outfall works, at the charge of the Municipal Fund, as they may consider necessary to ensure a safe and sufficient outfall.

Municipal drains.

Power to Corporation to improve, discontinue, etc., municipal drains, etc.

255. (*1*) The Corporation may— [*Cf.* 1899, ss. 290 and 291.]

(*a*) enlarge, arch over, or otherwise improve any municipal drain, or

(*b*) discontinue, close up or destroy any municipal drain which has, in their opinion, become useless or unnecessary, or

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Clauses 256, 257.)

(*c*) carry any municipal drain—

(*i*) through, across or under any street or any place laid out as, or intended for, a street, and

(*ii*) (after giving reasonable notice in writing to the owner or occupier) into, through or under any land whatsoever or under any building

in Calcutta or, for the purpose of outfall or distribution of sewage, without Calcutta, or

(*d*) construct any new municipal drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed, or

(*e*) repair or alter any municipal drain so constructed :

Provided that—

(*i*) if, in the exercise of any of the powers conferred by this section, it is proposed to demolish any house-drain, a written notice shall be served upon the owner of such drain ; and

(*ii*) if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Corporation shall, as soon as practicable, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

(*2*) In the exercise of any power conferred by this section, the Corporation shall create the least practicable nuisance and do as little damage as may be, and shall pay compensation to any person who sustains damage by the exercise of such power.

Private streets, etc., not to be constructed over municipal drain without permission.

256. (*1*) Without the written permission of the Corporation— [*Cf.* 1899, *s.* 292.]

(*a*) no private street shall be constructed, and

(*b*) no wall or other structure shall be newly erected

over any municipal drain.

(*2*) If any private street be so constructed, or if any wall or other structure be so erected, without such permission, the Corporation may remove or otherwise deal with the same as they may think fit,

and the expenses incurred by the Corporation in so doing shall, in the discretion of the Corporation, be paid by the owner of such private street, wall or other structure, or by the person offending.

Communication of drain under control of local authority beyond Calcutta with municipal drain.

257. (*1*) Any local authority without Calcutta may cause any drain under its control to communicate with any municipal drain, on such terms and conditions as may be agreed on between such local authority and the Corporation. [*Cf.* 1899, *s.* 293.]

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Clauses 258-261.)

(2) If in any case terms and conditions cannot be agreed upon under sub-section (1), such local authority shall refer the matter to the Local Government, whose decision shall be final.

Communication of municipal drains with drains, lakes, etc., beyond Calcutta.

258. (1) When a plan for making municipal drains to communicate with, or empty themselves into, any public drain, lake, stream, canal or water-course without Calcutta has been approved by the Local Government, the Corporation may, in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta, through which the said drains are to run, all the powers which they might exercise under this Act if the said drains were to run entirely in Calcutta. [*Cf.* 1899, s. 294.]

(2) The Magistrate of any district without Calcutta, through which the said drains are to run, may exercise, in respect of the said work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by the Corporation entirely in Calcutta.

Drainage of premises.

Right of owner or occupier of premises to empty his house-drain into municipal drain.

259. The owner or occupier of any premises shall be entitled to cause his house-drain to empty into a municipal drain, provided that, before doing so, he— [*Cf.* 1899, s. 295.]

(*a*) obtains the written permission of the Corporation, and

(*b*) complies with such conditions as the Corporation may prescribe as to the mode in which, and the superintendence under which, communications between house-drains and municipal drains are to be made.

Connections with municipal drains not to be made except in conformity with section 259.

260. (1) No person shall, without complying with the provisions of section 259, make, or cause to be made, any connection of a house-drain with a municipal drain. [*Cf.* 1899, s. 296.]

(2) The Corporation may close, demolish, alter or re-make any such connection made in contravention of sub-section (1);

and the expenses incurred in so doing shall, in the discretion of the Corporation, be paid by the owner or occupier of the premises for the benefit of which such connection was made, or by the person offending.

Compulsory connection of house-drains with each other.

261. When a house-drain belonging to one or more persons has been laid in any private street which is common to more than one premises, and the Corporation consider it desirable that any other premises should be drained into such drain, [*Cf.* 1899, s. 297.]

they may, by written notice, require the owner of such premises to connect his house-drain with such first-mentioned drain;

and the owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made—

(*a*) except upon such terms as may be prescribed by the Corporation, and

(*b*) until any payment which may be directed by the Corporation has been duly made.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Clauses 262-264.)

Power to Corporation to drain group or block of premises by a combined operation.

262. (*1*) If it appears to the Corporation that any group or block of premises may be drained more economically or advantageously in combination than separately, [*Cf.* 1899, s. 298.]

and a sewer of sufficient size already exists or is about to be constructed, within one hundred feet of any part of such group or block of premises,

the Corporation may cause such group or block of premises to be drained by a combined operation.

(*2*) The expenses incurred in carrying out any work under sub-section (*1*) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Corporation may think fit.

(*3*) Not less than fifteen days before any such work is commenced, the Corporation shall give to each such owner—

(*a*) written notice of the nature of the proposed work, and

(*b*) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

Power to Corporation to enforce drainage of undrained premises situate within one hundred feet of a municipal drain.

263. When any premises are, in the opinion of the Corporation, without sufficient means of effectual drainage, and a municipal drain or some place approved by them for the discharge of drainage is situated at a distance not exceeding one hundred feet from any part of the said premises, they may, by written notice, require the owner of the said premises— [*Cf.* 1899, s. 299.]

(*a*) to make a house-drain emptying into such municipal drain or place;

(*b*) to provide and set up all such appliances and fittings as may appear to the Corporation necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such house-drain and every fixture connected therewith; or

(*c*) to remove any existing house-drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Power to Corporation to enforce drainage of undrained premises in other cases.

264. When in any case not provided for in section 263 any premises are, in the opinion of the Corporation, without sufficient means of effectual drainage, they may, by written notice, require the owner of such premises to make a house-drain communicating with the nearest municipal drain: [*Cf.* 1899, s. 300.]

Provided as follows:—

(*a*) the cost of constructing that portion of the house-drain so made, which is situate more than one hundred feet from the said premises, shall be paid out of the Municipal Fund; and

(*b*) if, in the opinion of the Corporation, there is no municipal drain within a reasonable distance of such premises, they may, by

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Clauses 265-267.)

written notice, require the owner of the premises to construct—

(*i*) a closed cesspool of such material, size and description, and in such position, as they may prescribe, and

(*ii*) a house-drain communicating with such closed cesspool.

Power to Corporation to close or limit the use of house-drain in certain cases.

265. When a house-drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable, but is not, in the opinion of the Corporation, adapted to the general drainage system of Calcutta, they may, by written notice addressed to the owner of the premises, direct— [*Cf.* 1899, s. 301.]

(*a*) that such house-drain be closed, discontinued or destroyed and that any work necessary for that purpose be done ; or

(*b*) that such house-drain shall, from such date as they prescribe in this behalf, be used for sewage, offensive matter and polluted water only or for rain-water and unpolluted sub-soil water only :

Provided as follows :—

(*i*) no house-drain may be closed, discontinued or destroyed by the Corporation under clause (*a*) except on condition of their providing another house-drain equally effectual for the drainage of the premises and communicating with any municipal drain which they think fit ; and

(*ii*) the expenses of the construction of any drain so provided by the Corporation and of any work done under clause (*a*) shall be paid out of the Municipal Fund.

Power to Corporation to require that sewage and rain-water drains be distinct in any premises.

266. (*1*) Whenever it is provided in this chapter that steps shall or may be taken for the effectual drainage of any premises, the Corporation may, by written notice, require the owner to construct— [*Cf.* 1899, s. 302.]

(*a*) one house-drain for sewage, offensive matter and polluted water, and

(*b*) another and entirely separate house-drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water,

each emptying into separate municipal drains or other suitable places.

(*2*) Any requisition made by the Corporation under sub-section (*1*) may comprise any detail specified in clause (*b*) of section 263. [*Cf.* 1899, s. 301 (*3*).]

Power to Corporation to require paving, maintaining and raising level of court-yard, etc.

267. For the purpose of efficiently draining any land or building, the Corporation may, by written notice, require the owner of any court-yard, alley, passage or open space— [1899, s. 306.]

(*a*) to pave the same with such material and in such manner as may be approved of by the Corporation, and to keep such paving in proper repair, or

(*Part V.—Chapter XVIII.—Drains, privies, and other receptacles for filth.—Clauses 268-272.*)

(*b*) to raise the level of such court-yard, alley, passage or open space.

Drains for huts.

268. (*1*) The Corporation may prescribe such drains for the drainage of huts as the circumstances of the locality and the position of the nearest municipal drain may render practicable. [*Cf.* 1899, s. 307.]

(*2*) If the Corporation consider that a new drain should be constructed for the benefit of the occupants of any hut, they may, by written notice, require the owner of the land on which such hut stands to construct such drain;

and such owner shall maintain, and from time to time cleanse and repair, the drain so constructed to the satisfaction of the Corporation.

(*3*) The powers conferred by this section shall be deemed to be in addition to, and not in derogation of, the powers conferred by section 263 and section 264.

Rules as to drains.

269. Drains shall be constructed, maintained, repaired, altered and regulated in accordance with— [*Cf.* 1899, s. 308.]

(*a*) the rules contained in Schedule XIV, and

(*b*) requisitions made under such rules.

Privies, urinals and bathing and washing places.

Power to Corporation to provide and maintain public privies and urinals.

270. The Corporation shall— [*Cf.* 1899, s. 309.]

(*a*) provide and maintain, in proper and convenient situations, privies and urinals for the use of the public, and

(*b*) cause all privies and urinals so provided to be constructed and kept so as not to be a nuisance or injurious to health.

Power to Corporation to license public privies and urinals.

271. (*1*) The Corporation may— [*Cf.* 1899, s. 310.]

(*a*) grant licenses, for any period not exceeding one year, for the provision and maintenance of privies and urinals for the use of the public, and

(*b*) at any time, if they think fit, cancel, any license so granted after giving one month's notice to the licensee.

(*2*) No person shall—

(*i*) keep a privy or urinal for the use of the public without obtaining a license therefor under sub-section (*1*), or

(*ii*) keep such privy or urinal after such license has been cancelled, or

(*iii*) suffer a licensed public privy or urinal of which he is the licensee to be in a filthy or noxious state.

Power to Corporation to require privy and other accommodation to be provided in new buildings.

272. (*1*) In every new building— [*Cf.* 1899, s. 311, and Bom. Act III of 1888, s. 247.]

(*i*) intended for human habitation, or

(*ii*) at or in which labourers or workmen are to be employed,

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Clauses 273, 274.)

such privy and urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, shall be provided as the Corporation may prescribe.

(2) In prescribing any such accommodation the Corporation may determine in each case—

(a) whether such building shall be provided with service or connected-privies or urinals, or partly with one and partly with the other; and

(b) what shall be the site or position of each privy, urinal, or bathing or washing place, and their number.

Power to Corporation to require such provision to be made in other cases.

273. (1) When any premises are without privy, urinal, or bathing or washing place accommodation, or if the Corporation are of opinion that the existing privy, urinal or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient, inefficient or on any sanitary grounds objectionable, the Corporasion may, by written notice, require the owner of such premises— [*Cf.* 1899, s. 312, and Bom. Act III of 1888, s. 248.]

(a) to provide such, or such additional, privy, urinal or bathing or washing place accommodation as they may prescribe; or

(b) to make such structural or other alterations in the existing privy, urinal, or bathing or washing place accommodation as they may prescribe; or

(c) to substitute connected-privy or connected-urinal accommodation for any service-privy or service-urinal accommodation:

Provided that where the privy, urinal, or bathing or washing place accommodation of any premises—

(i) has been, and is being, used in common by the persons occupying or employed in such premises and any other premises, or

(ii) is, in the opinion of the Corporation, likely to be so used,

the Corporation may, if they are of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying or employed in all the said premises, direct in writing that separate privy, urinal, or bathing or washing place accommodation need not be provided on or for such other premises:

Provided also that the Corporation may, if they are of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises, direct that separate privy or urinal accommodation need not be provided for such premises.

(2) Any requisition under sub-section (1) may comprise any detail specified in section 272, sub-section (2).

Power to Corporation to require provision of privies and urinals for premises used as a market, etc.

274. If it appears to the Corporation that any premises are, or are intended to be, used as a market, railway-station, dock, wharf or other place of public resort, or as a place for the employment of persons [*Cf.* 1899, s. 313.]

exceeding twenty in number, in any manufacture, trade or business, or as workmen or labourers, they may, by written notice, require the owner of such premises to provide such service or connected-privies and urinals for the separate use of persons of each sex as they may prescribe.

Rules for construction, etc., of privies and urinals.

275. Privies and urinals, and all appurtenances thereof, shall be constructed, maintained, repaired, altered and regulated in accordance with— [*Cf.* 1899, s. 314.]

(*a*) the rules contained in Schedule XIV, and

(*b*) requisitions made under such rules.

Cost of repair of privy payable out of Municipal Fund in certain cases.

276. (*1*) If, within three years after any privy has been provided or altered with the sanction or on the requisition of any municipal authority duly empowered in that behalf, or of the Corporation under this Act, a requisition is made by the Corporation for the rebuilding or alteration of such privy, the expenses of such rebuilding or alteration shall be paid out of the Municipal Fund. [*Cf.* 1899, s. 316.]

(*2*) When any notice has been issued under section 273 or Schedule XIV in respect of any privy, urinal or group of privies or urinals erected before the first day of April, 1900, and the Corporation are satisfied that the owner of the land or building on or in which any such privy or urinal is situated is from poverty unable to pay the whole or part of the expenses of carrying out the work required by the notice, they may direct that such expenses, or such portion thereof as they think fit, be paid out of the Municipal Fund.

Inspection of drains, house-gullies, privies and urinals.

House-drains, etc., not belonging to the Corporation to be subject to inspection and examination.

277. All house-drains, ventilation-shafts and pipes, cesspools, house-gullies, privies, and urinals which do not belong to the Corporation, or which have been constructed, erected or set up at the charge of the Municipal Fund on premises not belonging to them, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by them. [*Cf.* 1899, s. 317.]

Power to Corporation to open ground, etc., for purposes of such inspection and examination.

278. For the purpose of any inspection and examination under section 277, the Corporation may cause the ground or any portion of any house-drain or other work exterior to a building, or any portion of a building which they may think fit, to be opened, broken up or removed: [*Cf.* 1899, s. 318.]

Provided that in the prosecution of any such inspection and examination as little damage as possible shall be done.

Expenses of inspection and examination by whom to be paid.

279. (*1*) If, upon any inspection and examination under section 277, it is found that the house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal examined is in proper order and condition, and that none of the provisions of this chapter or of Schedule XIV have been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or the portion of any building, house-drain or other work (if any) opened, broken up or removed, for [*Cf.* 1899, s. 319.]

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Clauses 280, 281.)

the purpose of such inspection and examination shall be filled in, re-instated and made good by the Corporation.

(2) But if, upon any such inspection and examination, it is found that any house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal so examined is not in good order or condition, or has been repaired, changed, altered, encroached upon or (except when the same has been constructed by or under the order of a municipal authority duly empowered in that behalf, or of the Corporation under this Act) constructed in contravention of any of the provisions of this chapter, or of Schedule XIV, or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall at his own cost fill in, re-instate and make good the ground, or the portion of any building, house-drain or other work opened, broken up or removed for the purpose of such inspection and examination:

Provided that the amount recoverable as the expenses of such inspection and examination shall not in any case exceed ten rupees.

Power to Corporation to require repairs, etc., to be made.

280. (1) When the result of any inspection and examination under this chapter is as described in section 259, sub-section (2), the Corporation may, by written notice, require the owner of the premises in which the house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal referred to in the said sub-section is situate— [*Cf.* 1899, s. 320.]

(*a*) to close or remove the same or any encroachment thereupon; or

(*b*) to renew, repair, cover, re-cover, trap, ventilate, pave and pitch, flush, cleanse or take such other order with the same as the Corporation may think fit to direct, and to fill in, re-instate and make good the ground or the portion of any building, house-drain or other work opened, broken up or removed for the purpose of the said inspection and examination.

(2) In any such case the Corporation may, forthwith and without notice, stop up or demolish any house-drain by which sewage, offensive matter or polluted water is carried through, from, into or upon any premises in contravention of any of the provisions of this chapter or of Schedule XIV;

and may also, forthwith and without notice, clear, cleanse or open out any house-drain which is choked, blocked or in any way obstructed;

and all expenses incurred by the Corporation in so doing shall, in their discretion, be paid by the owner or the occupier of the premises.

Position of cesspools and other filth receptacles.

Position of cesspools.

281. (1) No person shall construct a cesspool— [*Cf.* 1899, ss. 304 and 325.]

(*a*) beneath any part of any building, or within fifty feet of any tank, reservoir, water-course or well; or

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Clauses 282-285.)

(*b*) upon any site or in any position in Calcutta which has not been approved in writing by the Corporation; or

(*c*) upon any site or in any position without Calcutta, which has not been so approved and is situated within three hundred feet of any reservoir used for the storage of filtered water to be supplied to Calcutta.

(*2*) The Corporation may at any time, by written notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (*1*), to remove such cesspool or to fill it up with such material as may be approved by them.

No filth receptacle to be situated within fifty feet of tank, well, water-course or reservoir.

282. (*1*) No person shall construct any house-drain, service-privy, urinal or other receptacle for sewage or offensive matter, not being a cesspool, within fifty feet of any tank, well or water-course or any reservoir for the storage of water, unless he first satisfies the Corporation that he will take such order therewith as will prevent any risk of sewage or offensive matter passing by percolation or otherwise into such tank, well, water-course or reservoir. [*Cf.* 1899, s. 320.]

(*2*) The Corporation may at any time, by written notice, require any person within whose premises there is situated, within fifty feet of any tank, well, water-course or reservoir for the storage of water, any receptacle mentioned or referred to in sub-section (*1*), to remove such receptacle.

(*3*) This section shall also apply to any such receptacle, without Calcutta, which is constructed or situated within fifty feet of any reservoir used for the storage of filtered water to be supplied to Calcutta.

General powers and duties of the Corporation.

Power to Corporation to affix shafts or pipes for ventilation of drain or cesspool.

283. For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, they may erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as may appear to them to be necessary. [*Cf.* 1899, s. 321.]

Power to Corporation to execute work when municipal drains, etc., affected.

284. When a notice has been issued under this chapter or Schedule XIV, requiring any person to construct or alter a drain, the Corporation may themselves cause to be constructed or altered so much of the drain as runs through, over or under any municipal drain, public aqueduct or public street, and the expenses thereby incurred shall be paid by the owner of the drain. [*Cf.* 1899, s. 323.]

Power to Corporation to provide new drains, etc., in executing works.

285. (*1*) In executing any drainage-works under this chapter, the Corporation shall provide and make, out of the Municipal Fund, a sufficient number of convenient ways, water-courses and drains in substitution for any that may be interrupted, injured or rendered useless by reason of the execution of such works; [*Cf.* 1899, s. 324.]

and, if any difference arises between the Corporation and the persons affected, the same shall be

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Clauses 286-289.)

settled by the Court of Small Causes having jurisdiction in the place where such works are executed, on application to be made to it for this purpose.

(2) The decision of the said Court of Small Causes shall, subject to the provisions of section 6 of the Presidency Small Cause Courts Act, 1882, or section 25 of the Provincial Small Cause Courts Act, 1887, as the case may be, be final. XV of 1882. IX of 1887.

General power to Corporation in respect of house-drains, cesspools, privies and urinals.

286. Subject to the provisions of this chapter and of Schedule XIV,— [*Cf.* 1899, s. 328.]

(*a*) all house-drains, as well within as without the premises to which they belong, all cesspools and all privies and urinals shall, as regards their site, construction, materials and dimensions and the arrangements for flushing the same, be under the survey and control of the Corporation, and

(*b*) the Corporation may, by written notice, require the owner of any premises in which any house-drain, cesspool, privy or urinal is situated, to alter, pave, repair or ventilate the same or to keep it in such a state of repair as to admit of its being sufficiently cleaned, or to supply it with water, or connect it with a sewer, or stop up or demolish it.

Power to Corporation to require occupier to carry out work in place of owner.

287. When, under the provisions of this chapter or of Schedule XIV, the Corporation may require the owner of any premises to carry out any work, they may, if they consider it desirable so to do, require the occupier of the said premises to carry out such work, and the occupier shall be bound to comply with the requisition: [*Cf.* 1899, s. 315.]

Provided that such occupier may deduct the amount of the expenses reasonably incurred or paid by him in respect of such work from the rent payable to the owner, or may recover the same from him in any court of competent jurisdiction.

Power to Corporation to execute work without giving person liable the option of executing it.

288. (*1*) When, under the provisions of this chapter or of Schedule XIV, any person may be required or is liable to execute any work, the Corporation may, if it appears to them to be expedient and necessary so to do, themselves cause such work to be executed without first giving such person the option of executing the same. [*Cf.* Bom. Act III of 1888, s. 260.]

(*2*) The expenses of any work so executed shall be payable by the said person, unless the Corporation direct the payment of such expenses out of the Municipal Fund.

General prohibitions.

Prohibition of certain acts.

289 No person shall,— [*Cf.* 1899, s. 326.]

(*a*) in contravention of any of the provisions of this chapter or of Schedule XIV, or of any notice issued or direction given thereunder, or without the written permission of the Corporation,

(*Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth—Clause 289.*)

in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change,

any drain, ventilation-shaft or pipe, cesspool, privy or urinal, or any trap, covering or other fitting or appliance connected therewith; or,

(*b*) without the written permission of the Corporation, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cesspool, privy or urinal, or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the said provisions; or,

(*c*) without the written permission of the Corporation, make any encroachment upon, or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, privy or urinal; or

(*d*) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth or ashes, or any substance or matter, by which or by reason of the amount of which such drain is likely to be obstructed; or

(*e*) pass, or permit or cause to be passed, into any drain provided for a particular purpose any matter or liquid for the conveyance of which such drain was not provided; or

(*f*) cause or suffer to be discharged into any drain from any factory, bakehouse, distillery, workshop or workplace, or from any building or place in which steam, water or mechanical power is employed,

any hot water, steam or fumes, or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

(*Part V.*)

CHAPTER XIX.

LICENSED PLUMBERS.

Power to Corporation to license plumbers.

290. (*1*) The Corporation may from time to time grant to any person they think fit a license to act as a plumber for the purposes of Chapter XVII or Chapter XVIII. [*Cf.* 1899, s. 329.]

(*2*) Every such license shall be for a renewable period of three years.

(*3*) If the Corporation refuse any application for a license under this section, they shall, at the request of the applicant and without any charge, furnish him with their reasons for such refusal.

Rules for guidance of plumbers.

291. The Corporation may make rules for the guidance of licensed plumbers, and a copy of all such rules, for the time being in force, shall be written on the back of every license granted under section 290. [*Cf.* 1899, s. 330.]

Powers and duties of plumber licensed for drainage works.

292. A plumber holding a license for the purposes of Chapter XVIII— [*Cf.* 1899, s. 331.]

(*a*) may prepare, for the approval of the Corporation, plans and estimates for the drainage premises;

(*b*) may, with the sanction of the Corporation, carry out drainage works in accordance with this Act and the rules or by-laws made thereunder;

(*c*) shall furnish the Corporation with plans of all drainage works carried out under clause (*b*);

(*d*) may carry out any necessary repairs to municipal drainage works;

(*e*) may, when the owner or occupier of any premises has failed to comply with a notice requiring such owner or occupier to provide for the effectual drainage of such premises and if so directed by an order from the Corporation, carry out such works as may be necessary for the effectual drainage of the said premises; and

(*f*) shall, when any works have been executed under clause (*e*), furnish the Corporation with plans of the same and with a statement of the cost of such works.

Prohibition of work by other than licensed plumber.

293. (*1*) No person other than a licensed plumber shall— [*Cf.* 1899, 332.]

(*a*) execute any work in connection with the laying on of water from any mains of the Corporation to any land or building, or in connection with the extension of such mains or the supply of additional fittings after water has been so laid on, or

(*b*) make any underground drain communicating with the public sewers, or

(*c*) do any work in connection with such drain.

(*Part V.—Chapter XIX.—Licensed plumbers.—Clauses 294-296.*)

(*2*) No owner or occupier of any land or building shall cause or allow any work referred to in sub-section (*1*) to be executed by any person other than a licensed plumber.

(*3*) If the owner or occupier of any land or building contravenes sub-section (*2*) in respect of any work referred to in clause (*a*) of sub-section (*1*), the Corporation may, whether such owner or occupier is prosecuted under this Act or not, cut off the municipal water-supply connection with the said land or building until the said work has been dismantled or re-executed to their satisfaction.

Power to Corporation to prescribe remuneration of licensed plumbers.

294. (*1*) The Corporation may from time to time prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of Chapter XVII or Chapter XVIII. [*Cf.* 1899, s. 333.]

(*2*) No licensed plumber shall, for any work referred to in sub-section (*1*), demand or receive more than the charge prescribed therefor under that sub-section.

Control over licensed plumbers and their work and charges.

295. The Corporation shall provide for— [*Cf.* 1899, s. 334.]

(*a*) the exercise of an adequate control over all licensed plumbers;

(*b*) the inspection of all work carried out by them; and

(*c*) the hearing and disposal of complaints made by owners or occupiers of premises with regard to the quality of the work done by, the materials used by, or the charges made by, licensed plumbers.

Prohibitions and cancellation of license.

296. (*1*) No licensed plumber shall infringe any of the rules made under section 291, or execute carelessly or negligently any work under this Act or under any rules or by-laws made thereunder, or make use of bad materials, appliances or fittings. [*Cf.* 1899, s. 335.]

(*2*) If any licensed plumber contravenes sub-section (*1*), his license may be cancelled, whether he be prosecuted under this Act or not.

(Part V.)

CHAPTER XX.

STREETS AND PUBLIC PLACES.

Proprietary rights of the Corporation.

Public streets and squares vested in the Corporation and power to the Corporation to name such streets and squares.

297. (*1*) All public streets and squares (not being the property and kept under the control of the Government or the Commissioners for the Port of Calcutta), including the soil, and the side-drains, footways, pavements, stones and other materials of such streets and squares, and all erections, materials, implements and other things provided for such streets or squares shall vest in and belong to the Corporation. [*Cf.* 1899, s. 336.]

(*2*) The Corporation may, from time to time, determine the name by which any public street or square is to be known. [*Cf.* 1889, s. 348 (*1*).]

Maintenance, repair, protection and regulation of streets and public places.

Maintenance and repair of public streets by Corporation.

298. The Corporation shall cause the public streets to be maintained and repaired, and for those purposes may do all things necessary for the public safety or convenience, including the construction and maintenance of bridges, causeways and culverts. [*Cf.* 1899, s. 337.]

Watering, etc., of public streets and squares.

299. The Corporation shall, so far as they may consider it necessary to do so for the public convenience, cause the chief public streets and squares to be watered, oiled or otherwise treated in a suitable manner, and for that purpose may provide such animals, water-carts, materials and other apparatus as they may think necessary. [*Cf.* 1899, s. 338.]

Rules for maintaining, repairing, etc., streets and public places.

300. Streets and public places shall be maintained, repaired, protected and otherwise regulated in accordance with the rules contained in Schedule XV.

Power to Corporation to remove or alter portions of buildings or fixtures attached to building which project, etc., over public street or land.

301. (*1*) When any portion of a building or any fixture attached to a building so as to form part of the building, whether erected before or after the commencement of this Act, causes a projection, encroachment or obstruction over or on any public street or any land vested in the Corporation, they may, by written notice, require the owner or occupier of the building to remove or alter such portion of the building or fixture. [*Cf.* 1899, s. 341.]

(*2*) If the expense of removing or altering any such portion of a building or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct the expense of removal or alteration from the rent payable by him to the owner of the building.

(*3*) If the owner or occupier of the building proves that any such portion of the building or fixture was erected before the first day of June, 1863, or that it was erected on or after that day with the consent of any municipal authority duly empowered in that behalf, the Corporation shall, after such portion of the building or fixture has been removed, make reasonable compensation to every person who suffers damage by the removal or alteration thereof.

(Part V.—Chapter XX.—Streets and public places.—Clauses 302-304.)

Power to Corporation to remove other obstructions in public street.

302. (*1*) The Corporation may remove any wall, fence, rail, post, platform, or other obstruction, projection or encroachment (not being a portion of a building or fixture referred to in section 301) which has been erected or set up, and any materials or goods which have been deposited, in a public street or in or over any drain or aqueduct in a public street, whether the offender be prosecuted under this Act or not; [*Cf.* 1899, s. 342.]

and the offender shall be liable for the payment of the expense of such removal.

(*2*) When under sub-section (*1*), the Corporation remove any wall or other obstruction, projection or encroachment from land which forms part of a public street, no compensation shall be payable, but the Corporation shall be bound to provide proper means of access to and from the street if none exists already.

Building-lines and street alignments for public streets.

Power to Corporation to prescribe building-line and street alignment.

303. (*1*) If the Corporation consider it expedient to prescribe for any public street a building-line or a street alignment, or both a building-line and a street alignment, they shall give public notice of their intention to do so. [*Cf.* 1899, s. 350.]

(*2*) Every such notice shall specify a period within which objections will be received.

(*3*) The Corporation shall consider all objections received within the said period, and may then make an order prescribing a building-line or a street alignment, or both a building-line and a street alignment for such public street.

(*4*) A building-line shall not be prescribed so as to extend further back than the front of any building (other than a boundary wall) abutting on the street at its widest part.

(*5*) Every order made under sub-section (*3*) shall be published in the *Calcutta Gazette*, and shall take effect from the date of such publication.

Restrictions on erection of, or addition to, buildings or walls within street alignment or building-line.

304. (*1*) No portion of any building or wall shall be erected or added to within a street alignment prescribed under section 303: [*Cf.* 1899, s. 351.]

Provided that the Corporation may, in their discretion, permit additions to a building to be made within a street alignment, if such additions merely add to the height of, and rest upon, an existing building or wall, upon the owner of the building executing, if required to do so by the Corporation, an agreement binding himself and his successors in interest—

(*a*) not to claim compensation in the event of the Corporation at any time thereafter calling upon him or such successors, by written notice, to remove any building erected or added to in pursuance of such permission, or any portion thereof, and

(*b*) to pay the expenses of such removal.

(Part V.—Chapter XX.—Streets and public places.—Clauses 305, 306.)

(*2*) If the Corporation refuse to grant the permission applied for to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 303, and if such site, or the portion thereof which falls within such alignment, be not acquired by the Corporation within one year after the date of such refusal, they shall pay reasonable compensation to the owner of the site.

(*3*) No person shall erect or add to any building between a street alignment and the building-line without first obtaining the permission of the Corporation to do so:

Provided that it shall not be necessary to obtain permission under this sub-section to erect, between a street alignment and the building-line,—

(*a*) a porch or balcony, or,

(*b*) along not more than one-third of the frontage, an outhouse not exceeding fifteen feet in height.

(*4*) If the Corporation grant permission under sub-section (*3*), they may require the applicant to execute an agreement in accordance with the proviso to sub-section (*1*).

Power to Corporation to take possession of, and add to street, land situated within prescribed street alignment or covered by projecting buildings.

305. (*1*) The Corporation may at any time take possession of— [*Cf.* 1899, s. 352.]

(*a*) any land (abutting on a public street) upon which any building or wall, or portion thereof projecting beyond the front of the adjoining building or wall, on either side of such first-mentioned building or wall, has collapsed or been demolished or burnt down, and

(*b*) any land not covered by buildings (including land on which a building has collapsed or been demolished or burnt down) which is situated within a street alignment prescribed under section 303,

after making full compensation to the owner thereof for any direct damage which he may sustain thereby.

(*2*) Any land taken possession of under sub-section (*1*) shall forthwith be added to and become part of the said street, and shall vest in the Corporation.

Explanation.—The expression "direct damage," as used in sub-section (*1*) with reference to land, means the market-value of the land taken and the depreciation, if any, in the ordinary market-value of the rest of the land resulting from the area being reduced in size; but does not include damage due to any particular use to which the owner may allege that he intended to put the land although such use may be injuriously affected by the reduction of the site.

Power to Corporation to set buildings forward to improve line of public street.

306. The Corporation may, upon such terms as they think fit, allow any building or wall to be set forward for the purpose of improving the line of a public street. [*Cf.* 1899, s. 353.]

(Part V.—Chapter XX.—Streets and public places.—Clauses 307-311.)

Opening, improvement and closing of public street.

Power to Corporation to make, improve and close streets.

307. The Corporation may— [*Cf.* 1899, s. 354.]

(*a*) lay out and make new streets;

(*b*) construct new bridges and sub-ways;

(*c*) turn, divert, discontinue or permanently close any public street or part thereof; and

(*d*) widen, open, enlarge, or otherwise improve any public street.

Power to Corporation to dispose of so much of a permanently-closed street as is not required.

308. (*1*) When any public street, or part thereof, is permanently closed under section 307, the Corporation may sell or lease the site of so much of the road-way and foot-path as is no longer required, making due compensation to, or providing means of access for, any person who may suffer damage by such closing. [*Cf.* 1899, s. 355.]

(*2*) In determining such compensation under section 513, the court shall make allowance for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

Projected public streets.

Projected public streets.

309. (*1*) The Corporation may from time to time prepare schemes and plans of projected public streets, showing the direction of such streets, the street alignment and building-line on each side of them, their intended width, and such other details as may appear desirable. [*Cf.* 1899, s. 356.]

(*2*) The width of such projected streets, inclusive of space for foot-paths, shall not be less than forty feet or, in a *bustee*, twenty feet:

Provided that—

(*a*) this sub-section shall not apply in any case in which the projected street, or any part thereof, runs along an existing street and the Corporation consider it impracticable to widen the street to the extent of forty feet or twenty feet, as the case may be; and

(*b*) if the width of the projected street be less than forty feet, the building-line for masonry buildings on each side thereof shall not be less than twenty feet from the centre line of such street.

Provisions of section 304 to apply to projected public streets.

310. The provisions of section 304 shall, with all necessary modifications, apply to public streets projected under section 309.

Acquisition of land and buildings.

Power to Corporation to acquire land and buildings for improvement of public streets.

311. (*1*) The Corporation may acquire— [*Cf.* 1899, s. 357.]

(*a*) any land required for the purpose of opening, widening, extending or otherwise improving any public street, or of making any new public street, and

(*b*) the buildings (if any) standing upon such land.

(Part V.—Chapter XX.—Streets and public places.—Clause 312.)

(2) The Corporation, with the sanction of the Local Government, may acquire, in addition to land and buildings acquired under sub-section (1), any land outside any proposed street alignment, with the buildings (if any) standing thereupon, which the Corporation may, for any of the purposes mentioned in sub-section (1), consider it expedient to acquire.

Abandonment of acquisition.

Abandonment of acquisition in consideration of special payment.

312. (1) In any case in which the Local Government have sanctioned the acquisition of land under section 311, sub-section (2), the owner of the land, or any person having an interest therein, may make an application to the Corporation, requesting that the acquisition of the land may be abandoned in consideration of the payment by such person of a sum to be fixed by the Corporation in that behalf. [*Cf.* 1899, s. 357, and Ben. Act V of 1911, s. 78.]

(2) The Corporation shall admit every such application, if it—

(*a*) reaches them before the time fixed by the Collector under section 9 of the Land Acquisition Act, 1894, for making claims in reference to the land, and I of 1894.

(*b*) is made by all persons who have interests in the land greater than a lease for years having seven years to run.

(3) If the Corporation admit any such application, they shall forthwith inform the said Collector, and the Collector shall thereupon stay, for a period of three months, all further proceedings for the acquisition of the land and the Corporation shall proceed to fix the sum in consideration of which the acquisition of the land may be abandoned.

(4) Within the said period of three months, or, with the permission of the Corporation, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894, I of 1894. the person from whom the Corporation have arranged to accept the sum so fixed may, if the Corporation are satisfied that the security offered by him is sufficient, execute an agreement with the Corporation, either—

(*i*) to pay the said sum two years after the date of the agreement, or

(*ii*) to leave the said sum outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of six *per cent. per annum*, and to make the first annual payment of such interest three years after the date of the agreement:

Provided that the Corporation may, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894, I of 1894. accept immediate payment of the said sum instead of an agreement as aforesaid.

(5) When any agreement has been executed in pursuance of sub-section (4), or when any payment has been accepted in pursuance of the proviso to that sub-section, in respect of any land, the proceedings for the acquisition of the land shall be deemed to be abandoned.

(Part V.—Chapter XX.—Streets and public places.—Clauses 313-315.)

(6) Every payment due from any person under any agreement executed under sub-section (4) shall be a charge on the interest of that person in the said land.

(7) If any instalment of interest payable under an agreement executed in pursuance of clause (*ii*) of sub-section (4) be not paid on the date on which it is due, the sum fixed by the Corporation under sub-section (3) shall be payable on that date, in addition to the said instalment.

(8) At any time after an agreement has been executed in pursuance of clause (*ii*) of sub-section (4), any person may pay off the charge created thereby, with interest, at the rate of six *per cent. per annum* up to the date of such payment.

(9) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (4), no suit with respect to such agreement shall be brought against the Corporation by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

Recovery of money payable in pursuance of section 312.

313. When an agreement has been executed by any person in pursuance of section 312, sub-section (4), in respect of any land, and any money payable in pursuance of that section is not duly paid, the same shall be recoverable by the Corporation (together with interest up to the date of realization, at the rate of six *per cent. per annum*), under the provisions of this Act ; [*Cf.* 1899, s. 357, and Ben. Act V of 1911, s. 79.]

and, if not so recovered, the Corporation may, after giving public notice of their intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Agreement or payment under section 312 not to bar acquisition under a fresh declaration.

314. If any land in respect of which an agreement has been executed, or a payment has been accepted, in pursuance of section 312, sub-section (4), be subsequently required for any of the purposes of this Act, the agreement or payment shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894. [*Cf.* 1899, s. 357, and Ben. Act V of 1911, s. 80.] I of 1894.

Special provisions as to private streets.

Making of new private streets.

315. (1) Any person intending to make or lay out a new private street shall send to the Corporation a written notice, with plans and sections showing the following particulars of the proposed street, namely :— [*Cf.* 1899, s. 358.]

(*a*) the level and width of the street,

(*b*) the street alignment and the building-line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining and lighting the street.

(2) The provisions of this Act as to the width of public streets and the height of buildings abutting

(Part V.—Chapter XX.—Streets and public places.—Clauses 316, 317.)

thereon, and as to projected public streets, shall respectively apply in the case of streets referred to in sub-section (*1*); and all the particulars referred to in that sub-section shall be subject to approval by the Corporation:

Provided that the Corporation may allow a private street to be made or laid out of a width less than forty feet but not less than twenty feet, if the distance between the building-lines for masonry buildings on each side of the street be not less than forty feet:

Provided also that, at the time of sanctioning the making of a private street less than forty feet in width, the Corporation may reserve the right to call upon the person to whom such sanction is granted, or his successor in interest, at any time after a period to be fixed by the Corporation, to widen such street to the full width of forty feet, and such person or his successor in interest shall thereupon be bound to obey such requisition.

(*3*) Within sixty days after the receipt of any notice under sub-section (*1*), the Corporation shall either sanction the making of the street, or disallow it, or ask for further information with respect to such street.

(*4*) Such sanction may be refused—

(*i*) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Corporation likely to be made, for carrying out any general scheme of street improvement, or

(*ii*) if the proposed street does not conform to the provisions of this Act referred to in sub-section (*2*), or

(*iii*) if the proposed street is not designed so as to connect at one end with a street which is already open.

(*5*) If further information is asked for under sub-section (*3*), no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information.

Prohibition of breach of section 315.

316. No person shall make or lay out any street referred to in section 315, sub-section (*1*),— [*Cf.* 1899, s. 359.]

(*a*) until he has obtained the sanction of the Corporation under that section, or

(*b*) in contravention of any orders made thereunder.

Alteration or demolition of street made in breach of section 315.

317. (*1*) If any person makes or lays out any street referred to in section 315, sub-section (*1*), without having obtained the sanction of the Corporation under that section, or in contravention of any orders made thereunder, they may, whether or not the offender be prosecuted under this Act, by written notice,— [*Cf.* 1899, s. 360.]

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Corporation on or before such day as may be specified in the notice, why such street should not be altered to their satisfaction or, if such alteration be impracticable, why such street should not be demolished, or

(Part V.—Chapter XX.—Streets and public places.—Clauses 318, 319.)

(*b*) require the offender to appear before them, either personally or by a duly authorized agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(*2*) If any person on whom such notice is served fails to show sufficient cause, to the satisfaction of the Corporation, why such street should not be so altered or demolished, they may cause the street to be so altered or demolished, and the expenses thereof shall be paid by such person.

Levelling, etc., of private streets.

318. (*1*) If any private street or any part thereof be not levelled, paved, metalled, flagged, channelled, sewered, drained and lighted to the satisfaction of the Corporation, they may, by written notice to the owner of such private street or the respective owners or occupiers of the land fronting, adjoining or abutting upon such street or part, as the case may be, require them to level, pave, metal, flag, channel, sewer, drain and light such street or part. [*Cf.* 1899, s. 361.]

(*2*) If such notice be not complied with and the Corporation, under section 500, sub-section (*2*), execute the works mentioned or referred to therein, the expenses thereby incurred shall be paid by the owner of such private street or the owners or occupiers in default, in such proportion as may be settled—

(*a*) by the Corporation, or,

(*b*) in case of dispute, by the Court under section 513.

Power to Corporation to take over private streets.

319. If any private street which conforms to the provisions of this Act referred to in section 315, sub-section (*2*), be levelled, paved, metalled, flagged, channelled, sewered, drained and lighted to the satisfaction of the Corporation, and if a majority of— [*Cf.* 1899, s. 362.]

(*a*) the owners of buildings in such street, or

(*b*) the owners of the street, or

(*c*) the owners or occupiers who have paid the expenses referred to in section 318, sub-section (*2*),

signify in writing their consent thereto, the Corporation may, if they think fit, declare the same, by written notice put up in any part of such street, to be a public street, and thereupon the same shall become a public street and shall vest in the Corporation.

(*Part V.*)

CHAPTER XXI.

BUILDINGS.

Use of building-sites, and erection of new buildings.

320. No piece of land shall be used as a site for the erection of a new building, and no new building shall be erected, otherwise than in accordance with— [*Cf.* 1899, s. 363.]

(*a*) the provisions of this chapter and of Schedule XVI, and

(*b*) any orders, rules or by-laws made under this Act,

relating to the use of building-sites or the erection of new buildings, as the case may be.

Corporation to determine site of proposed masonry building.

321. If any question arises as to what, for the purposes of this Act, shall be deemed to be the site of any proposed masonry building, the Corporation shall determine the same, and their decision shall be final.

Licensed building surveyors.

Licensing of building surveyors.

322. (*1*) The Corporation may from time to time grant to any person they think fit a license to act as a licensed building surveyor for the purposes of this chapter. [*Cf.* Bom. Act III of 1888, s. 355.]

(*2*) The Corporation may prescribe the qualifications to be required in persons to whom licenses may be granted under sub-section (*1*).

(*3*) Every such license shall be for a renewable period of three years.

(*4*) If the Corporation refuse any application for a license under this section, they shall, at the request of the applicant and without any charge, furnish him with their reasons for such refusal.

Rules for guidance of licensed building surveyors.

323. The Corporation may make rules for the guidance of licensed building surveyors, and a copy of all such rules, for the time being in force, shall be written on the back of every license granted under section 322. [*Cf.* Bom. Act III of 1888, s. 356.]

Power to Corporation to decline plans, etc., made by persons other than licensed building surveyors.

324. The Corporation may decline to accept any plan, elevation or section, submitted with any application for permission to erect a new building, unless such plan, elevation or section has been prepared by and bears the signature of a licensed building surveyor. [*Cf.* Bom. Act III of 1888, s. 339.]

Buildings generally.

Power to Corporation to regulate future erection of certain classes of buildings in particular streets or localities.

325. (*1*) The Corporation may at any time give public notice of their intention to declare that, in any street, portion of a street or locality specified in the notice,— [*Cf.* 1899, s. 367.]

(*a*) the elevation and construction of the frontage of all new buildings (other than huts) thereafter erected shall, in respect of their architectural features, be such as the Corporation may consider suitable to the locality, or

(*b*) the erection of only detached buildings will be allowed, subject to the provisions of this Act relating to detached buildings, or

(*c*) the erection of shops, or of buildings of the warehouse class, will not be allowed without the special permission of the Corporation, or

(*d*) the erection of buildings of the warehouse class will be allowed, subject to the provisions of this Act relating to such buildings, or

(*e*) the erection of huts will not be allowed without the special permission of the Corporation, or

(*f*) the court-yard of every hut thereafter erected shall be paved with some impermeable material.

(*2*) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(*3*) The Corporation shall consider all objections received within the said period, and may prepare a declaration relating to the streets or localities referred to in the notice and submit the declaration to the Local Government, together with the said objections (if any) and their report upon them.

(*4*) The Local Government, after considering the said objections (if any), may confirm the declaration, and before doing so, may modify it, but not so as to extend its effect.

(*5*) When any such declaration has been so confirmed, it shall be published in the *Calcutta Gazette*, and shall take effect from the date of such publication.

(*6*) No person shall erect any new building in contravention of any such declaration.

Masonry building not to be erected without special permission in certain cases.

326. (*1*) Save with the special permission of the Corporation, no new building (other than a hut) shall be erected unless—

(*a*) the site of such building abuts on a public street, or a projected public street, or a private street duly sanctioned and constructed under section 315, or

(*b*) there is access to the buildings from any such street by a passage or pathway, appertaining exclusively to such site, and not less than sixteen feet wide at any part.

(*2*) No building shall be erected so as to deprive any masonry building of the means of access prescribed by clause (*b*).

Power to Corporation to require alteration of existing public building.

327. For the purpose of bringing any public building except a building which is used as a school, college or other place of instruction into conformity with the provisions of this Act relating to new public buildings, the Corporation may, by written notice, require the owner of the building to make such alterations therein as may be specified in the notice.

Prohibition of change in user of a building.

328. (*1*) Save with the special permission of the Corporation, no person shall use a building or part of a building erected for use as, and belonging to, any one class of buildings, as a building of any other class in such a manner that the building or part thereof so used will not be in conformity with the provisions

of this Act, or of any rules or by-laws made thereunder, relating to buildings of that other class.

(*2*) The provisions of sub-section (*1*) shall not apply to the use as a shop of a building or part of a building which was not erected for such use :

Provided that if, in any street, portion of a street or locality in which the erection of shops is not allowed under clause (*c*) of sub-section (*1*) of section 325, any such building or part thereof is used as a shop without the special permission of the Corporation, they may, by written notice, require the owner or occupier of such shop to close the same.

Application of Act to alterations of, and additions to, buildings.

Application of Act to alterations of, and additions to, buildings.

329. The provisions of— [*Cf.* 1899, s 391.]

(*a*) this chapter,

(*b*) Schedule XVI, and

(*c*) any orders, rules and by-laws made under this Act,

relating to the erection of new buildings, shall, subject to the rules in Part X of the said Schedule XVI, apply to every alteration of, or addition to, any building, and to any other work (except that of necessary repairs not involving any of the works specified in rule 94 of the said Schedule) made or done for any purpose in, to, or upon any building.

Explanation.—No work of re-erection or re-construction which would constitute any building a new building under sub-clauses (*b*), (*c*) or (*d*) of clause (*43*) of section 3 shall, for the purposes of this section, be deemed to be an alteration of or addition to, or any other work made or done to or upon, such building, but in the case of such re-erection or re-construction the provisions relating to the erection of new buildings as referred to in this section shall apply to the whole of the said new building.

Exemptions.

Exemptions.

330. The following buildings shall be exempted from the operation of this chapter, namely :— [*Cf.* 1899, s. 393.]

(*a*) any building erected and used, or intended to be erected and used, exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house or aviary, if the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building, and

(*b*) any building erected or intended to be erected by, or with the sanction of, the Corporation, for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous disease.

(Part V.)

CHAPTER XXII.

BUSTEES.

Preliminary.

Power to Corporation to define and alter limits of *bustees*.

331. The Corporation may define the external limits of any *bustee*, and may from time to time alter such limits. [*Cf.* 1899, s. 398.]

Restriction on application of this chapter to certain *bustees* or to masonry buildings in *bustees*.

332. None of the powers conferred by any of the following sections of this chapter shall be exercise-able in respect of— [*Cf.* 1899, s. 399.]

(*a*) any *bustee* the total area of which, as comprised within the limits defined under section 331, is less than one *bigha*, or,

(*b*) any masonry building in a *bustee* or land pertaining to such building, unless such building and land be purchased or acquired by the Corporation.

Improvement of bustees.

Power to Corporation to require preparation of standard plan by owner of *bustees*.

333. (*1*) The Corporation may at any time, if it appears to them that any *bustee*, for sanitary or other reasons, requires improvement, serve a written notice upon the owner of such *bustee* requiring him to prepare and submit a plan of the *bustee*, to the scale of twenty-five feet to the inch, showing— [*Cf.* 1899, s. 400.]

(*a*) the manner in which the *bustee* should be laid out, with the huts standing in regular lines and with a free passage, in front of and behind each line, of such width as may be necessary for proper ventilation and for scavenging,

(*b*) the proposed drains,

(*c*) the water-supply, bathing arrangements (if any) and privy accommodation to be provided for the use of the tenants,

(*d*) the streets and passages which are to be maintained for the benefit of the tenants,

(*e*) the land (if any) which is to be kept as common land,

(*f*) the tanks, wells and low lands which are to be filled up and the tanks which are to be conserved, and

(*g*) any other proposed improvements:

Provided that when there are two or more owners of a *bustee* the Corporation may require them to prepare and submit a joint plan of the *bustee*.

(*2*) The streets referred to in clause (*d*) of sub-section (*1*) shall be not less than twenty feet wide and not more than two hundred feet apart, and the passages referred to in that clause shall be not less than fifteen feet wide.

(*3*) If there is any masonry building within the limits of the *bustee*, the said plan shall be so prepared as clearly to distinguish such building and the land pertaining to it.

(*Part V.—Chapter XXII.—Bustees.—Clauses 334-337.*)

(*4*) The said plan—

(*i*) shall be considered by the Corporation and modified in such manner as may be required, and

(*ii*) shall, when approved by them, be deemed to be the standard plan of the *bustee*.

Preparation of standard plan by Corporation where owners disagree, etc.

334. (*1*) If, after the service of a notice under section 333 on the owners of any *bustee*, such owners— [*Cf.* 1899, s. 401.]

(*a*) do not agree among themselves in the preparation of a plan as required by such notice, or

(*b*) for any reason prefer to have a plan prepared for them by the Corporation, or

(*c*) fail to comply within sixty days with such notice,

the Corporation shall cause a plan to be prepared to the scale and showing the particulars prescribed in the said section.

(*2*) When a plan has been prepared under sub-section (*1*), the Corporation shall fix a day for the hearing of objections (if any) made by or on behalf of owners of the *bustee*,

and, after hearing such objections, may, in their discretion, approve such plan either with or without modifications.

(*3*) Every plan of a *bustee* approved under sub-section (*2*) shall be deemed to be the standard plan of the *bustee*.

(*4*) When the Corporation cause a plan to be prepared under sub-section (*1*), they may charge the said owners therefor at a rate not exceeding five rupees *per bigha*.

Suspension of building pending preparation of standard plan.

335. When the owner of a *bustee* has been required under section 333 to prepare a plan, no new building which is a hut shall be erected and no hut shall be added to within the *bustee* until a plan has been prepared and approved under that section or under section 334. [*Cf.* 1899, s. 402.]

Prohibition of building contrary to standard plan.

336. When a standard plan has been approved for any *bustee* under section 333 or section 334, no new building which is a hut shall be erected and no hut shall be added to in such *bustee* unless the hut, or the portion to be added, as the case may be, occupies a site, or portion of a site, marked in the standard plan as the site for a hut. [*Cf.* 1899, s. 403.]

Power to Corporation to require removal of hut not in conformity with standard plan.

337. (*1*) When a standard plan has been approved for any *bustee* under section 333 or section 334, the Corporation may at any time, by written notice, require the owner of any hut in such *bustee*, which is not in conformity with the standard plan, to remove the whole or any portion of such hut. [*Cf.* 1899, s. 404.]

(*2*) When a hut or portion of a hut has been removed in compliance with a requisition made under sub-section (*1*), the owner shall be entitled to receive from the Municipal Fund such compensation calculated according to the estimated value of the structure removed, less the value of the materials as the Corporation may determine.

(Part V.—Chapter XXII.—Bustees.—Clauses 338, 339.)

Power to Corporation to require carrying out of other improvements in conformity with standard plan.

338. (*1*) The Corporation may at any time, by written notice, require the owner of any *bustee* for which a standard plan has been prepared under section 333 or section 334— [*Cf.* 1899, s. 405.]

(*a*) to construct the drains, privies, streets and passages, provide the water-supply and bathing arrangements, and carry out the other improvements shown in such plan, so far as may be practicable having regard to the existing arrangement of the huts, and

(*b*) if any tank, well or low land is shown in such plan as to be conserved or filled up, to conserve or fill up such tank, well or low land.

(*2*) Until such notice is complied with, the Corporation may refuse to sanction the erection of a new building which is a hut or the making of any addition to any hut in the *bustee*.

Inspection, report and preparation of standard plan by registered medical practitioner and engineer, in cases requiring expedition.

339. (*1*) If it appears to the Corporation that any *bustee*,— [*Cf.* 1899, s. 406.]

(*a*) by reason of the manner in which the huts are crowded together, or

(*b*) for any other reason,

is in such an unhealthy condition that the procedure provided by the foregoing sections of this chapter would be too dilatory to meet the emergency,

they may cause the *bustee* to be inspected by two persons appointed in that behalf, one of whom shall be a registered medical practitioner and the other an engineer.

(*2*) The said persons shall forthwith—

(*a*) make, sign and submit a written report on the sanitary condition of the *bustee*, and

(*b*) annex to the report a plan approved by them as a proper standard plan of such *bustee*, and

(*c*) certify—

(*i*) which of the improvements required to bring the *bustee* into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the *bustee*, and

(*ii*) which (if any) of such improvements should be deferred for action under the foregoing sections of this chapter.

(*3*) The improvements referred to in sub-clause (*i*) and sub-clause (*ii*) of sub-section (*2*) shall be specified in two separate Schedules which shall be annexed to the report and called Schedule A and Schedule B, respectively.

(*4*) The said Schedules shall clearly indicate—

(*a*) the huts which should wholly or in part be removed,

(*b*) the streets, passages and drains which should be constructed,

(*Part V.—Chapter XXII.—Bustees.—Clauses 340-342.*)

(*c*) the water-supply, bathing arrangements and privy accommodation to be provided for the use of the tenants,

(*d*) the tanks, wells and low lands which should be filled up,

(*e*) any other improvements which the two persons appointed under sub-section (*1*) may consider necessary in order to remove or abate the unhealthy condition of the *bustee*, and

(*f*) any masonry building within the *bustee*, and any land pertaining to such building which it may be necessary to purchase or acquire for the purpose of making such streets or passages, or effecting any such improvement. [*Cf.* 1899, Sch. XVII, rule 16A (*a*).]

(*5*) A report (together with the Schedules annexed thereto) made and signed under this section by any two persons appointed under sub-section (*1*) shall be sufficient evidence of the result of such inspection.

Approval by Corporation of standard plan and Schedules annexed to such report.

340. (*1*) The Corporation shall consider every report (together with the plan and Schedules A and B annexed thereto) made under section 339, and, after hearing the objections (if any) of the owner of the *bustee* in respect of which the report has been made, may approve such plan and Schedules after making such modifications (if any) therein as they may think fit. [*Cf.* 1899, s. 407.]

(*2*) The plan so approved shall be deemed to be the standard plan of such *bustee*.

Power to Corporation to require owners or occupiers to carry out improvements specified in Schedule A.

341. When Schedule A, annexed to a report made under section 339, has been approved under section 340, the Corporation may cause a written notice to be served upon— [*Cf.* 1899, s. 408.]

(*a*) the owners or occupiers of the huts referred to in such Schedule A, or

(*b*) the owners of the *bustee* in which such huts are situated, or

(*c*) both such owners and occupiers, if necessary,

requiring them to carry out all or any of the improvements specified in that Schedule or any portion of such improvements.

Payment of expenses incurred in carrying out improvements.

342. When any improvements required by a notice under section 341 are carried out by the Corporation under section 500, all expenses incurred thereby, including such reasonable compensation as the Corporation may think fit to pay to the owners or occupiers of huts removed, [*Cf.* 1899, s 409.]

shall be paid by the owner of the *bustee* to the Corporation and shall constitute a charge upon such *bustee* :

Provided that, if it appears to the Corporation that any such owner is unable, by reason of poverty, to pay such expenses or any portion thereof, they may order the same to be paid out of the Municipal Fund.

(*Part V.—Chapter XXII.—Bustees.—Clauses 343-346.*)

Disposal by the Corporation of materials of huts pulled down.

343. (*1*) If, in carrying out any improvement as provided in section 321, the Corporation cause any hut or portion of a hut to be pulled down, they shall— [*Cf.* 1899, s. 410.]

(*a*) cause the materials of such hut or portion of a hut to be given to the owner of the hut; or,

(*b*) if the owner be unknown or the title to the hut be disputed, cause such materials to be sold, and hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 342.

(*2*) Any amount held in deposit under clause (*b*) of sub-section (*1*) shall be so held by the Corporation until any person obtains an order from a competent Court for the payment to him of such amount.

(*3*) A Court of Small Causes shall be deemed to be a competent Court for the purposes of this section.

Power to Corporation to purchase or acquire masonry buildings or land in *bustee*.

344. The Corporation may, at any time after the receipt of a report made under section 339, purchase or acquire— [*Cf.* 1899, s. 411.]

(*a*) any masonry building within such *bustee*, or

(*b*) any land pertaining to such building, or

(*c*) any such building, together with the land pertaining thereto,

which is mentioned in that behalf in Schedule A or Schedule B annexed to such report.

Application of sections 336 to 338 to *bustee* for which standard plan has been approved under section 340.

345. When a standard plan of a *bustee*, and any Schedule B, annexed to the report made under section 339 with respect to that *bustee*, have been approved under section 340— [*Cf.* 1899, s. 412.]

(*a*) the provisions of section 336 shall apply to such *bustee*, and

(*b*) the provisions of section 337 and section 338 shall apply to such *bustee* in respect of the improvements indicated in that Schedule as provided in section 339, sub-section (*4*).

Alternative power to Corporation to make standard plan, to purchase or acquire *bustee*, and to carry out improvements themselves or through purchaser or lessee.

346. (*1*) Notwithstanding anything contained in sections 340 to 345, the Corporation may, after receipt of a report made under section 339 with respect to any *bustee*, pass a resolution to the effect that the *bustee* is an unhealthy area and that, in their opinion, the purchase or acquisition of the *bustee*, or of any portion thereof, is necessary for the purpose of making the improvements referred to in the said report. [*Cf.* 1899, s. 413.]

(*2*) When any such resolution has been passed, the Corporation shall make a plan for the improvement of the said *bustee* or portion thereof, together with such estimates as may be necessary for a due understanding of the same.

(*3*) The Corporation shall submit such plan to the Local Government, together with the said estimate and a copy of their resolution relating to the same;

and, if the plan be approved by the Local Government, the Corporation may purchase or acquire the said *bustee* or portion thereof;

and such plan shall be deemed to be the standard plan of the *bustee*.

(*4*) When any *bustee* or portion of a *bustee* has been so purchased or acquired, the Corporation shall either—

(*a*) sell or let the same or part thereof to any person for the purpose and under the condition that he will, as respects the land so sold or leased to him, carry out the improvements shown in such standard plan, or

(*b*) themselves bring the said *bustee* or portion thereof or any part of the same which has not been sold or leased under clause (*a*), into conformity with such standard plan.

(*5*) The Corporation shall take action under sub-section (*4*) within a period of two years from the date of their purchasing or acquiring any *bustee* or portion thereof under sub-section (*3*), or within such further period (if any) as the Local Government may prescribe.

(*6*) Whenever action is taken under clause (*a*) of sub-section (*4*), the provisions of sub-section (*2*) or sub-section (*3*) of section 464, as the case may be, shall be applicable.

Proportions of area of *bustee* to be shown in standard plan as streets, passages and open lands.

347. (*1*) No standard plan approved for a *bustee* under this chapter shall, without the consent of the owner thereof, show more than— [*Cf.* 1899, s. 414.]

(*a*) one-third of the whole area of such *bustee* as streets or passages, or

(*b*) one-half of such area as open lands not to be built upon, whether such open lands be common ground, streets, passages or spaces behind a line of huts.

(*2*) In calculating the said proportions of one-third and one-half of any such area, no tank situated therein that has not been filled up shall be taken into account.

Regulation of plots by standard plan, and compensation for adjustment of plots

348. (*1*) When the land included in a *bustee* is owned by more owners than one, each owning one or more separate plots of such land, the standard plan approved under this chapter for such *bustee* shall, as far as practicable, provide— [*Cf.* 1899, s. 415.]

(*a*) for one or more huts being completely contained in each such plot, and

(*b*) for such proportion of each such plot being taken for streets, passages and open land as is specified in section 347.

(*2*) If a greater proportion of any one such plot than the proportion specified in section 347 is so taken, such standard plan shall indicate—

(*i*) the compensation which shall be payable to the owner of such plot, and

(*ii*) the persons who are liable to pay such compensation by reason of their benefiting by such greater proportion having been taken,

(*3*) If no person can equitably be called upon to pay such compensation, the same shall be paid by the Corporation.

(*4*) Any compensation payable under this section to the owner of any land in a *bustee* shall not be paid until such land has been brought into complete conformity with the standard plan.

Streets and passages shown in standard plan, if not public streets, to remain private.

349. (*1*) Every street or passage in a *bustee* which is shown in the standard plan approved under this chapter for that *bustee* and which is not already a public street, shall, unless the Corporation and the owners of the land on which such street or passage is situated otherwise consent as provided in section 319, be deemed to be a private street; and the portion thereof which falls on the land of each owner shall belong to such owner: [*Cf.* 1899, s. 416.]

Provided that any portion of any such street or passage which is situated on land purchased or acquired by the Corporation under section 344 shall remain the property of the Corporation.

(*2*) Every such private street shall, at all times, be kept open for scavenging purposes and for all other purposes of this Act in such manner as the Corporation may require, and shall also be kept open for the use of all the tenants of the *bustee*:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, no use of any such street shall, by reason of any lapse of time, be held to confer a right of way on the public so as to bring the street within the definition of a "public street," in clause (*53*) of section 3. IX of 1908.

Bathing arrangements and privy accommodation in *bustee*, as shown in standard plan, to be kept open for use of tenants.

350. The bathing arrangements and privy accommodation in a *bustee*, which are shown in the standard plan approved under this chapter for such *bustee* as being common to the use of all or some of the tenants of the *bustee*, shall at all times be kept available for the use of such tenants:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, if at any time the land on which any such bathing arrangements or privy accommodation are provided ceases to form part of such *bustee*, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as prejudicially to affect the rights of the owner of such land. IX of 1908

Owner of land in *bustee* to maintain certain conveniences on his land.

351. (*1*) The owner of any land in a *bustee*, for which a standard plan has been approved under this chapter, shall maintain in proper order and repair, to the satisfaction of the Corporation, such streets, passages, drains, bathing arrangements, privy accommodation, means of water-supply and other works on such land as may be shown in the plan.

(*2*) The Corporation may, at any time, cause a written notice to be served upon such owner requiring him so to maintain such streets, passages, drains, bathing arrangements, privy accommodation, means of water-supply and other works.

(Part V.—Chapter XXII.—Bustees.—Clauses 352-354.)

Rights of land-owner and hut-owner, respectively, over streets, land and drains shown in standard plan.

352. (*1*) The owner of any land in a *bustee*, for which a standard plan has been approved under this chapter, shall be deemed to be the occupier of— [*Cf.* 1899, s. 417.]

(*a*) all the streets, passages and common ground, and

(*b*) all drains provided for the use of more than one hut,

on such land, so far as the same are constructed in accordance with the standard plan.

(*2*) The owner of any hut in such *bustee* shall be deemed to be the occupier of—

(*i*) the land on which such hut stands,

(*ii*) the open space behind such hut which appertains thereto, and

(*iii*) every drain provided for the sole use of such hut.

Bustee when to be deemed a remodelled *bustee*.

353. When a *bustee* has been brought into conformity with the standard plan approved under this chapter for such *bustee*, it shall be deemed to be a remodelled *bustee*. [*Cf.* 1899, 418.]

Power to owner to take land out of the category of *bustee* in certain cases.

354. (*1*) The owner of any land included in a *bustee* and bearing a separate number in the assessment-book may, at any time, whether a standard plan for the *bustee* has been prepared under this chapter or not, send a written notice to the Corporation that he intends to remove all the huts standing on such land : [*Cf.* 1899, s. 419.]

Provided that the receipt of any such notice by the Corporation shall not be a bar to the approval by the Corporation, under this chapter, of a standard plan of such *bustee*.

(*2*) From the date of such notice no application shall be entertained for erecting on such land any new building which is a hut or adding to any hut standing thereon.

(*3*) Such owner shall, within six months after the date of such notice, remove all huts standing on such land ; and, if he does not do so, the notice shall be deemed to be cancelled.

(*4*) When all such huts have been so removed, such land shall, according to its situation, either—

(*i*) be altogether excluded from the limits of the *bustee*, or

(*ii*) be shown, in a standard plan approved for the *bustee* under this chapter, as not being a part of such *bustee* :

Provided that, if in the standard plan any street or passage is shown on such land, the provisions of sections 338, 341, 345, 349, 351 and 352 shall, with all necessary modifications, be deemed to apply to such street or passage.

(*5*) If, after all the huts standing on any land have been removed under sub-section (*3*), any application is received for erecting any hut on such land, the Corporation may, by written notice, require the owner of the land to carry out such improvements therein as they may think fit.

(*Part V.—Chapter XXII.—Bustees.—Clauses 355, 356.*)

(*6*) When all the huts standing on any land within a *bustee* have been removed under sub-section (*3*), the Corporation may either—

(*a*) cancel the standard plan (if any) already approved, under this chapter, for such *bustee*, or

(*b*) modify such plan, after hearing the objections (if any) of any owner of land included in such *bustee* who, in the opinion of the Corporation, may be injuriously affected by the modification.

Bustee streets.

Power to Corporation to prescribe alignments for *bustee* streets.

355. (*1*) In any *bustee*, not being a remodelled *bustee*, or in any area in which it appears to the Corporation that huts are likely to be erected, the Corporation may prescribe alignments, not more than twenty feet in width, for such private streets as they may think fit. [*Cf.* 1899, Sch. XVII, rule 37A.]

(*2*) When the land within such *bustee* or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shall, as far as practicable, be so prescribed as not to occupy, within any such plot, more than one-fourth of the area thereof.

(*3*) If, in any such plot, more than one-fourth of the area thereof is occupied by such alignments, the Corporation shall pay to the owner of the plot such compensation as they may deem reasonable:

Provided that no such compensation shall be paid in respect of any such plot as long as any hut or other structure is left standing within any such alignment in the plot.

(*4*) No hut or portion of a hut shall be erected within any alignment prescribed under sub-section (*1*).

(*5*) The provisions of section 349 shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.

Power to Corporation to require removal of existing huts within street or hut alignment in *bustee*.

356. In any *bustee*, at any time after the expiration of seven years from the time when any alignment has been prescribed—

(*a*) for a street under section 355, or

(*b*) for huts under rule 68 of Schedule XVI,

the Corporation may, by written notice, require the owner of the land or the owners or occupiers of existing huts to remove such huts or portions thereof as fall—

(*i*) within any such prescribed street alignment, or

(*ii*) within six feet on either side of any such prescribed hut alignment,

as the case may be.

(*Part V.—Chapter XXII.—Bustees.—Clauses 357-359.*)

Power to Corporation to require space to be kept between masonry building in *bustee* and centre line of *bustee* street.

357. Any person who erects a masonry building— [*Cf.* 1899, Sch. XVII rule 16A.]

(*a*) in any *bustee* in respect of which a standard plan has been approved under sections 333, 334 or 340, or

(*b*) in any *bustee* or area in respect of which alignments for streets have been prescribed under section 355,

shall, if so required by written notice issued by the Corporation, leave a clear space of twenty feet between the centre line of any street or passage shown in such plan, or of any street the alignment for which has been so prescribed, as the case may be, and the nearest part of such building.

Cleansing of bustees.

Power to Corporation to employ special establishment and impose special rate for cleansing of *bustee*.

358. (*1*) The Corporation may sanction the employment of a special establishment for the cleansing of any *bustee*, and may impose on the owner of the *bustee* a rate to defray the cost of such establishment: [*Cf.* 1899, s 420.]

Provided that, without the consent of the owner, no such rate shall be imposed in respect of any remodelled *bustee*.

Power to Corporation in other cases to secure cleansing of *bustee*.

359. If it appears to the Corporation that any *bustee* for which no establishment is maintained under section 358 is in a filthy condition, they may, by written notice, require the persons deemed to be occupiers under section 352, to cleanse the *bustee* to their satisfaction. [*Cf.* 1899, s. 421.]

(Part V.)

CHAPTER XXIII.

DEMOLITION, ALTERATION AND STOPPING OF UNLAWFUL WORK.

Demolition or alteration of building work unlawfully commenced, carried on or completed.

360. If the Corporation are satisfied— [*Cf.* 1899, s. 449.]

(*1*) that the erection of any new building—

(*a*) has been commenced without obtaining the written permission of the Corporation, or

(*b*) is being carried on or has been completed otherwise than in accordance with the particulars on which such permission was based, or

(*c*) is being carried on or has been completed in breach of any provision contained in this Act or in any rules or by-laws made thereunder, or of any direction or requisition lawfully given or made under this Act or under such rules or by-laws, or

(*2*) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in breach of sections 329, 335 or 336, or

(*3*) that any alterations required by any notice issued under rule 22 of Schedule XVI have not been duly made,

they may apply to a Magistrate, and such Magistrate may make an order directing that such erection, alteration, addition or other work, as the case may be, or so much thereof as has been executed unlawfully as mentioned in clauses (*1*), (*2*) or (*3*),

or that any structure, specified under the *Explanation* to clause (*d*) of rule 55, or the *Explanation* to clause (*iv*) of rule 83, of Schedule XVI as a structure to be demolished or altered, shall—

(*i*) be demolished by the owner thereof or altered by him to the satisfaction of the Corporation, as the case may require, or

(*ii*) be demolished or altered by the Corporation at the expense of the said owner :

Provided that the Magistrate—

(*a*) shall not make any order under this section without giving the owner of the building to be so demolished or altered full opportunity of adducing evidence and of being heard in his defence, and

(*b*) may make any such order notwithstanding the fact that a valuation of such building has been made by the Executive Officer under Chapter X for the assessment of the consolidated rate.

(Part V.—Chapter XXIII.—Demolition, alteration and stopping of unlawful work.—Clause 361.)

Demolition or alteration of work in other cases.

361. In any of the following cases, namely,— [*Cf.* 1899, s. 450.]

(*1*) if, within the period prescribed in any notice issued under section 301, sub-section (*1*), requiring the removal or alteration of a portion of a building or a fixture, the same be not duly removed or altered, or

(*2*) if the owner of any building erected or added to between a street alignment and the building-line fails to remove such building or addition when called upon by the Corporation to do so under section 304, sub-section (*3*), or

(*3*) if any person who makes any additions to a building in pursuance of an agreement executed under section 304, sub-section (*5*), fails to remove such additions when called upon by the Corporation to do so, or

(*4*) if the owner of any building erected or added to under the provisions of section 310 fails to remove such building or addition when called upon to do so, or

(*5*) if the owner of any building which is unfit for human habitation, fails to demolish such building when required to do so under section 376, sub-section (*2*), or

(*6*) if any privy or urinal be placed in contravention of rule 21 or rule 22, sub-rule (*1*), of Schedule XIV, or

(*7*) if any person, after erecting a service-privy or service-urinal authorized under the proviso to rule 22, sub-rule (*1*), of Schedule XIV, fails to pay any sum required under that proviso, or

(*8*) if, within the period prescribed in any notice issued under rule 2, sub-rule (*5*), of Schedule XV, requiring the owner or occupier of a building to comply with any condition on which the erection of any verandah or other projection was permitted, such condition is not complied with, or

(*9*) if, within the period prescribed in any notice issued under rule 2, sub-rule (*6*), of Schedule XV, requiring the owner or occupier of a building to remove a verandah or other projection, the same be not duly removed, or

(*10*) if, within the period prescribed in any notice issued under rule 7, sub-rule (*2*), of Schedule XVI, requiring the owner of a building to remove or alter an external roof or wall made of inflammable material, the same be not duly removed or altered, or

(*11*) if any owners or occupiers neglect to execute any works or to take any measures required by any notice affixed under rule 6, sub-rule (*1*), of Schedule XVII,

the Corporation may apply to a Magistrate, and such Magistrate may make an order directing that the projection, building, portion of the building, block of

(Part V.—Chapter XXIII.—Demolition, alteration and stopping of unlawful work.—Clause 362.)

buildings, verandah, fixture, additions, roof, wall, privy or urinal, as the case may be, shall—

(*a*) be demolished by the owner thereof or altered by him to the satisfaction of the Corporation, or

(*b*) be demolished or, altered by the Corporation at the expense of such owner:

Provided that the Magistrate—

(*i*) shall not make any order under this section without giving the owner of the structure to be so demolished or altered full opportunity of adducing evidence and of being heard in his defence, and

(*ii*) may make any such order notwithstanding the fact that a valuation of such building has been made by the Executive Officer under Chapter X for the assessment of the consolidated rate.

Power to Corporation to stop progress of building work unlawfully commenced or carried on.

362. (*1*) In any case in which the erection of a new building, or any other work referred to in section 360, has been commenced, or is being carried on unlawfully as mentioned in that section, the Corporation may, by written notice, require the person carrying on such erection or other unlawful work to stop the same, pending the decision of a Magistrate on an application to be made to him under that section. [*Cf.* 1899, s. 451.]

(*2*) If any notice issued under sub-section (*1*) is not duly complied with, the Corporation may, with the assistance of the police if necessary, take such steps as they may deem needful in order to stop the continuance of the unlawful work.

(*3*) If it appears to the Corporation that it is necessary, in order to prevent the continuation of the unlawful work, to depute any police or municipal officer to watch the premises, the cost of providing the same shall be borne by the person to whom the said notice was addressed.

(*Part V.*)

CHAPTER XXIV.

LIGHTING AND SCAVENGING, AND REGULATION OF PUBLIC BATHING AND WASHING.

Lighting.

Provision for lighting of public streets, markets and buildings.

363. (*1*) The Corporation shall— [*Cf.* 1899, s. 422.]

(*a*) take measures for lighting, in a suitable manner, the public streets and municipal markets and all buildings vested in the Corporation;

(*b*) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for such lighting; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation may from time to time determine.

(*2*) The Corporation may place and maintain—

(*i*) electric wires or gas-pipes for the purpose of lighting such lamps under, over, along or across any immovable property, and

(*ii*) posts, poles, standards, stays, struts, brackets, tunnels, culverts or any other suitable contrivance for carrying, suspending, or supporting such lamps, gas-pipes or electric wires in or upon any immovable property:

Provided that such pipes, wires, posts, poles, standards, stays, struts, brackets, tunnels, culverts or other contrivance shall be so placed as to occasion as little damage, detriment, inconvenience or nuisance to any person as the circumstances permit.

(*3*) Notwithstanding anything contained in the Indian Electricity Act, 1910, the Corporation shall not be liable to any claim for compensation for any damage, detriment, inconvenience or nuisance caused by them, or by any one employed by them, in the exercise of any of the powers conferred by this section. IX of 1910.

Streets, etc., not to be constructed over municipal gas-pipe without permission.

364. (*1*) Without the written permission of the Corporation— [*Cf.* 1889, s. 427.]

(*a*) no private street shall be constructed, and

(*b*) no building, wall or other structure shall be newly erected,

over any gas-pipe belonging to the Corporation.

(*2*) If any private street be so constructed, or if any building, wall or structure be so erected, the Corporation may cause the same to be removed or otherwise dealt with as they may think fit,

and the expenses incurred by the Corporation in so doing shall, in the discretion of the Corporation, be paid by the owner thereof or by the person offending.

(Part V.—Chapter XXIV.—Lighting and scavenging, and regulation of public bathing and washing. —Clauses 365, 366.)

Scavenging.

Provision or appointment of receptacles, depôts and places for deposit or disposal of rubbish, offensive matter, sewage and carcasses.

365. (*1*) The Corporation shall provide or appoint, in proper and convenient situations, public receptacles, depôts and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage and the carcasses of dead animals accumulating in Calcutta: [*Cf.* 1899, ss. 429 and 433.]

Provided as follows:—

(*i*) the said things shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the Corporation, or in any place or manner which the Local Government may disallow;

(*ii*) the powers conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

(*2*) Any land that may be required in a *bustee* for the temporary deposit or final disposal of rubbish, offensive matter, sewage or carcasses taken from land or buildings in such *bustee* shall be provided by the owner of the *bustee*.

(*3*) All things deposited in receptacles, depôts or places provided or appointed under this section shall be the property of the Corporation.

Collection and temporary deposit of rubbish and offensive matter by occupiers of premises.

366. (*1*) The Corporation may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of Calcutta specified in the notice shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle, of a kind prescribed by the Corporation, to be provided by such occupier and kept near the entrance to, or, where open space is available, within, the premises. [*Cf.* 1899, s. 430.]

(*2*) The Corporation may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub-section (*1*) is for the time being in force,

and may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the occupier of such premises and deposited in such receptacle.

(*3*) The Corporation may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (*1*) or sub-section (*2*) is for the time being in force, shall be collected by the occupier of such premises and deposited in lump in the street on which such premises abut or in some portion of such premises.

(*4*) In any notice issued under any of the foregoing sub-sections, the Corporation shall prescribe the hours within which rubbish and offensive matter shall be deposited under this section.

(Part V.—Chapter XXIV.—Lighting and scavenging, and regulation of public bathing and washing. —Clauses 367-371.)

Collection and removal of rubbish and offensive matter accumulating in the course of business or building operations.

367. Notwithstanding anything contained in section 366, when building operations are being carried on in any premises, or when any premises are used for carrying on any manufacture, trade or business, the Corporation may,— [*Cf.* 1899, s. 431.]

(*a*) by written notice, direct the occupier of such premises to collect all rubbish and offensive matter accumulating on such premises in the course of such operations, manufacture, trade or business and to remove the same, at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a public receptacle, depôt or place provided or appointed under section 365; or

(*b*) after giving such occupier written notice of their intention to do so, themselves cause all the rubbish and offensive matter to be removed, and charge the occupier for such removal such periodical fee as may be specified in the notice.

Establishment for removal of sewage, etc., and the scavenging of streets.

368. The Corporation shall maintain an establishment for the removal of sewage from privies and urinals which are not connected with a sewer, and of offensive matter and rubbish from receptacles, depôts and places provided or appointed under section 365, or under any by-law made under this Act, and for the daily cleansing and scavenging of streets and premises. [*Cf.* 1899, s. 435.]

Presumption as to offender.

369. If in any case it is shown that rubbish, offensive matter or sewage has been deposited in any place in contravention of any by-law made under this Act, from some land or building, it shall be presumed, unless and until the contrary is proved, that the offence has been committed by the occupier of the said land or building. [*Cf.* 1899, s. 437, and *see* cl. 448 (*28*).]

Notice to be given by *mehtars*, etc., before withdrawing from work.

370. No *mehtar* or other servant of the Corporation, who is employed to remove or otherwise deal with sewage, offensive matter or rubbish, shall, without the permission of the Corporation, withdraw from his duties without giving written notice, not less than one month previously, of his intention so to withdraw. [*Cf.* 1899, s. 438.]

Public bathing and washing.

Construction of places for public bathing, etc.

371. The Corporation may from time to time— [*Cf.* 1899, s. 459.]

(*a*) construct suitable places for use by the public as swimming baths or for bathing, or for washing animals, or for washing or drying clothes, and

(*b*) prohibit, by public notice, the use by the public, for any of the said purposes, of any place not so constructed.

(Part V.)

CHAPTER XXV.

MUNICIPAL RAILWAYS.

Power to Corporation to construct, lease and otherwise deal with railways.

372. With the previous sanction of the Governor General in Council, the Corporation may— [*Cf.* 1899, s. 554.]

(*a*) upon any of the public streets in Calcutta, or upon any land in or without Calcutta which is vested in the Corporation, construct or maintain any railway which may appear to them to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,

(*b*) use and employ upon any such railway locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby,

(*c*) carry and convey passengers and goods upon any such railway,

(*d*) make such reasonable charges in respect of such passengers or goods as the Corporation may from time to time determine,

(*e*) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without Calcutta,

(*f*) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person, upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(*g*) lease any such railway to any person, upon such terms and under such conditions and restrictions as may be mutually agreed upon.

Certain powers to lessee of Corporation's railway.

373. Any person to whom a railway is leased under clause (*g*) of section 372 shall, subject to the terms, conditions and restrictions of his lease, have the same powers for— [*Cf.* 1899, s. 555.]

(*i*) maintaining the railway,

(*ii*) using and employing thereupon locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby, and

(*iii*) carrying and conveying thereupon passengers and goods and making charges in respect thereof,

as the Corporation would have had if the railway had not been so leased.

(Part V.)

CHAPTER XXVI.

INSPECTION AND REGULATION OF PREMISES, AND OF FACTORIES, TRADES AND PLACES OF PUBLIC RESORT.

Premises generally.

Inspection and regulation of premises.

374. Subject to the provisions of this Act, land and buildings shall respectively be inspected, cleansed, secured, repaired, drained, or otherwise regulated in accordance with the rules contained in Schedule XVII. [*See* 1899, Chapter XXIX.]

Procedure in case of buildings deemed unfit for human habitation.

375. (*1*) If, for any reason, any building or portion of a building intended for, or used as, a dwelling-place appears to the Corporation to be unfit for human habitation, they may apply to a Magistrate to prohibit the further use of such building or portion thereof for such purpose; [*Cf.* 1899, s. 444.]

and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, prohibit the further use thereof, or may pass such other order as he may deem just and proper.

(*2*) When any such prohibition has been made, the Corporation may—

(*i*) inspect such building by day or by night, and

(*ii*) take such order as may be necessary to preclude the further use of the same, or of the portion specified in the prohibition, as a human habitation.

(*3*) When any such prohibition has been made, no owner or occupier of such building shall use, or suffer the same, or the portion specified in the prohibition, to be used for human habitation until—

(*a*) the Health Officer certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or

(*b*) a Magistrate, by written order, withdraws the prohibition.

Power to Corporation to require demolition of building unfit for human habitation

376. (*1*) When a Magistrate has prohibited the use of a building for human habitation under section 375 and such prohibition has been in force for three months, the Corporation shall take into consideration the question of the demolition of such building, [*Cf.* 9 Edw. VII, c. 44, s. 18.]

and shall give notice of the time (being some time not less than one month after the service of the notice) and place at which such question will be considered to the owner, if he be known and resident in Calcutta, or to the occupier (if any) of the building,

and the said owner or occupier, as the case may be, shall be entitled to be heard when the question is so taken into consideration.

(*2*) If, upon such consideration, the Corporation are of opinion that the building has not been rendered fit for human habitation, and that the necessary steps

(*Part V.—Chapter XXVI.—Inspection and regulation of premises, and of factories, trades and places of public resort.—Clauses 377, 378.*)

are not being taken with all due diligence to render it so fit,

they shall cause a written notice to be served on the said owner or occupier and also to be put on some conspicuous part of such building, requiring such owner or occupier to demolish the building.

(*3*) If such owner or occupier undertakes to execute forthwith the work necessary to render the building fit for human habitation, and the Corporation consider that it can be so rendered fit for human habitation,

the Corporation may postpone the operation of the said notice for such time as they think sufficient for the purpose of giving the said owner or occupier an opportunity of executing the necessary work.

Power to Corporation to call for statement of accommodation.

377. (*1*) The owner of any building shall, within a period of seven days after receipt of a written notice from the Corporation requiring him to do so, submit to the Corporation a signed statement of the following particulars with respect to such building or any part thereof, namely,— [*Cf.* Bom. Act III of 1888, s. 379.]

(*a*) the total number of rooms in the building,

(*b*) the length, breadth and height of each room, and

(*c*) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement, with the particulars specified in clause (*a*) and clause (*b*) in regard to each such part.

(*2*) The occupier of any building or of any part of any building occupied as a separate tenement shall, on like notice and within the like period, submit a signed statement of the following particulars with respect to the building or part thereof, as the case may be, which is in his occupation, namely,—

(*i*) the total number of persons dwelling in such building or part,

(*ii*) the manner of use of each room by day and by night, and

(*iii*) the number, sex and age of the occupants of each room used for sleeping.

Abatement of overcrowding in dwelling-house or dwelling-place.

378. (*1*) If it comes to the knowledge of the Corporation from a statement received under section 377, or after an inspection made under rule 1 of Schedule XVII, or in any other way, that a dwelling-house, or a public building or hut which is used as a dwelling-place, or any room in any such house, public building or hut, is so overcrowded as to endanger the health of the inmates thereof, they may apply to a Magistrate to abate such overcrowding; [*Cf.* 1899, s 445.]

and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time (not exceeding four weeks) to be prescribed in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(Part V.—Chapter XXVI.—Inspection and regulation of premises, and of factories, trades and places of public resort.—Clauses 379, 380.)

(2) The Corporation may, by written order, declare what amount of superficial and cubic space shall be deemed, for the purposes of sub-section (1), to be necessary for each occupant of a building or room.

(3) If the owner of any building or room referred to in sub-section (1) has sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every lodger, tenant or other inmate of a building or room to vacate the same on being required by the owner to do so in pursuance of any requisition made under sub-section (1).

Factories, trades and places of public resort.

Factory, etc., not to be newly established, etc., without permission of the Corporation.

379. (1) No person shall, without the previous written permission of the Corporation, newly establish in any premises, or materially alter, enlarge or extend, any factory, workshop or workplace in which it is intended to employ steam, water or other mechanical power. [*Cf.* 1899, s. 463.]

(2) The Corporation may refuse to give such permission, if they are of opinion that the establishment, alteration, enlargement or extension of such factory, workshop or workplace in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

Premises not to be used for certain purposes without a license.

380. (1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf, namely,— [*Cf.* 1899, s. 466(1).]

(a) any of the purposes specified in Schedule XVIII;

(b) any purpose which is, in the opinion of the Corporation, dangerous to life, health or property, or likely to create a nuisance;

(c) keeping horses, cattle or other four-footed animals for sale or hire or for sale of the produce thereof; or

(d) storing for other than his own domestic use or selling timber, firewood, charcoal, coal, coke, ashes, hay, grass, straw or any other combustible thing.

(2) When any premises in the occupation of a lessee are used for any of the purposes referred to in sub-section (1), the lessor shall be presumed, unless and until the contrary is proved, to have permitted their use for such purpose. [*Cf.* 1899, s. 466(3).]

(3) The Corporation shall fix a scale of fees to be paid in respect of premises licensed under sub-section (1): [*Cf.* 1899, s. 467.]

Provided that no such fee shall exceed five hundred rupees.

(4) Nothing in this section shall apply to mills for spinning or weaving cotton, wool, silk or jute. [*Cf.* 1899, s. 466(4).]

(Part V.—Chapter XXVI.—Inspection and regulation of premises, and of factories, trades and places of public resort.—Clauses 381-383.)

Power to Corporation to prevent use of premises in particular areas for purposes referred to in section 380.

381. (*1*) The Corporation may give public notice of their intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in section 380, sub-section (*1*). [*Cf.* 1899, s. 469.]

(*2*) No objections to any such declaration shall be received after a period of one month from the publication of such notice.

(*3*) The Corporation shall consider all objections received within the said period, and may thereupon make a declaration in accordance with the notice published under sub-section (*1*), with such modifications (if any) as they may think fit, but not so as to extend its application.

(*4*) Every such declaration shall be published in the *Calcutta Gazette*, and shall take effect from the date of such publication.

(*5*) No person shall in any area specified in any such declaration use any premises for any of the said purposes.

Power to Corporation to direct discontinuance of use of premises for certain purposes near dwelling-houses.

382. (*1*) If it be shown to the satisfaction of the Corporation that the use of any premises situated near dwelling-houses, for any of the purposes referred to in section 380, sub-section (*1*), is injurious to the health or material comfort of the occupants of such houses, or [*Cf.* 1899, s. 470.]

if any premises situated within fifty feet of a dwelling-house are used for any of the said purposes, or

if the owners of any buildings situated within one hundred feet of any premises used for any of the said purposes, make an application to the Corporation in this behalf and deposit with the Corporation the sum required for purchasing or acquiring the said premises, as estimated by the Corporation, and also undertake to pay any further expenses to which the Corporation may be put,

the Corporation may, by written notice, require the occupier of the said premises to discontinue such use within one month after the service of the notice:

Provided that no such notice shall be issued in respect of any premises so situated which are used solely as cow-houses or stables.

(*2*) When the use of any premises for any of the said purposes has been discontinued in pursuance of a notice issued under sub-section (*1*), no compensation shall be payable for loss arising from such discontinuance,

but the Corporation shall be bound to purchase both the land and the buildings from the owner; and, if the Corporation are unable to agree with the owner as to the price to be paid, the land and buildings may be acquired under the Land Acquisition Act, 1894. I of 1894.

Power to Magistrate to direct discontinuance of use of premises for particular purpose, when kept so as to be a nuisance.

383. Whenever a Magistrate imposes a fine on any person under section 478 for using or permitting the use of any premises for any purpose in contravention of section 380, sub-section (*1*), he may, if it is proved to his satisfaction that such premises are kept in such a state as to be a nuisance, also direct that they shall no longer be used for the said purpose. [*Cf.* 1899, s. 471.]

(Part V.—Chapter XXVI.—Inspection and regulation of premises, and of factories, trades and places of public resort.—Clauses 384, 385.)

Prohibition of fouling of water in carrying on trade or manufacture.

384. (*1*) No person engaged in any trade or manufacture specified in Schedule XVIII shall— [*Cf.* 1899, s. 472.]

(*a*) wilfully cause or suffer to flow or be brought into any tank, reservoir, cistern, well, duct or other place for the storage or accumulation of water belonging to the Corporation, or into any drain or pipe communicating therewith, any washing or other substance produced in the course of such trade or manufacture; or

(*b*) wilfully do any act connected with any such trade or manufacture whereby the water in any such tank, reservoir, cistern, well, duct or other place is fouled or corrupted.

(*2*) The Corporation may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade, lay open and examine the said works, pipes or conduits.

(*3*) If, upon such examination, it appears that sub-section (*1*) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Corporation, in their discretion, may require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened.

(*4*) If, upon such examination, it appears that there has been no contravention of sub-section (*1*), the said expenses and compensation for any damage occasioned by the said laying open and examination, shall be paid by the Corporation.

Eating-houses not to be licensed without certificate from Corporation.

385. (*1*) No license in respect of any eating-house or other place where food is sold for consumption on the premises shall be granted under the Bengal Excise Act, 1909, the Calcutta Suburban Police Act, 1866, or the Calcutta Police Act, 1866, until the applicant for such license has produced a certificate from the Corporation that the premises sought to be licensed (including the kitchen or other place where the food is prepared) are kept in a clean and sanitary condition.

Ben. Act V of 1909. Ben. Act of 1866. Ben. Act IV of 1866.

(*2*) The Corporation may at any time cancel any such certificate if they are of opinion that the premises covered thereby are no longer kept in a clean and sanitary condition or in conformity with the provisions of any by-law made under section 468, relating to such premises;

(*Part V.—Chapter XXVI.—Inspection and regulation of premises, and of factories, trades and places of public resort.—Clause 386.*)

and upon the cancellation of such certificate, any license referred to in sub-section (*1*) shall forthwith be deemed to be suspended until the licensee obtains a fresh certificate from the Corporation.

Licensing and control of theatres and places of public amusement

386. No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf, keep open any theatre or other place of public resort, recreation or amusement.

(Part V.)

CHAPTER XXVII.

MARKETS, BAZARS AND SLAUGHTER-PLACES.

Power to Corporation to provide and maintain municipal markets, slaughter-houses and stock-yards.

387. (*1*) The Corporation may— [*Cf.* 1899, s. 477.]

(*a*) construct, purchase or take on lease any land or building for the purpose of establishing a new municipal market or a new municipal slaughter-house or municipal stock-yard, or of extending or improving any existing municipal market, municipal slaughter-house or municipal stock-yard, and

(*b*) from time to time build and maintain such municipal markets, municipal slaughter-houses and municipal stock-yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in, or frequenting, such markets, slaughter-houses or stock-yards, and provide and maintain in such municipal markets such buildings, places, machines, and correct weights, scales and measures for weighing and measuring goods sold therein, as they may think fit.

(*2*) Municipal slaughter-houses and municipal stock-yards may be situated in or, with the sanction of the Local Government, without Calcutta.

Power to Corporation to close municipal markets, slaughter-houses, and stock-yards.

388. The Corporation may at any time close any municipal market, municipal slaughter-house or municipal stock-yard; and the premises occupied for any market, slaughter-house or stock-yard so closed may be disposed of as the property of the Corporation. [*Cf.* 1899, s. 478.]

Power to Corporation to license vendors in municipal markets.

389. (*1*) No person shall, without a license from the Corporation, sell or expose for sale any animal or article in any municipal market. [*Cf.* 1899, s. 479.]

(*2*) Any person contravening sub-section (*1*) may be summarily removed from such market by any municipal officer or servant.

Power to Corporation to permit opening of new private markets.

390. (*1*) The Corporation shall from time to time determine whether the establishment of new private markets shall be permitted in Calcutta or in any specified portion thereof. [*Cf.* 1899, s. 480.]

(*2*) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except with the sanction of the Corporation.

(*3*) When the establishment of a new private market has been so sanctioned, the Corporation shall cause a notice of such sanction to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

(Part V.—Chapter XXVII.—Markets, bazars and slaughter-places.—Clauses 391, 392.)

Power to Corporation to license private markets, slaughter-houses and stock-yards.

391. (*1*) No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf,— [*Cf.* 1899, ss. 481 and 482.]

(*a*) keep open any private market, or wilfully or negligently permit any place to be used as a private market;

(*b*) use any place in Calcutta as a slaughter-house or stock-yard, or for the slaughtering of any animal intended for human food; or

(*c*) use any place without Calcutta, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in Calcutta:

Provided as follows:—

(*i*) the Corporation shall not refuse, suspend or cancel any licence for keeping open a private market—

for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some by-law made under section 468, at the time in force;

(*ii*) nothing in the foregoing provisions of this section shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony;

(*iii*) nothing in the foregoing provisions of this section shall be deemed to prevent the Corporation from setting apart places for the sacrifice of animals in accordance with religious custom, and for the sale of the flesh thereof.

(*2*) There shall be paid in respect of every place set apart under proviso (*iii*) to sub-section (*1*) such annual fee as may be prescribed by the Corporation.

(*3*) If any private market or any place set apart under proviso (*iii*) to sub-section (*1*) be closed for more than half of any year for which a fee has been paid, the Corporation may refund the whole or any portion of the fee so paid for that year.

(*4*) When the Corporation have refused, suspended or cancelled any license to keep open a private market, they shall cause a notice of their having done so to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

Power to Magistrate to close unauthorized private market.

392. Whenever a Magistrate imposes a fine on any person under section 478 for keeping open a private market or permitting any place to be used as a private market in contravention of section 391, sub-section (*1*), he shall, on the application of the Corporation, but not otherwise, also direct that such market be closed and appoint persons, or take other steps, to prevent the place being used as a market. [*Cf.* 1899, s. 483.]

(Part V.—Chapter XXVII.—Markets, bazars and slaughter-places.—Clauses 393-396.)

Prohibition of use of market so closed.

393. No person shall use as a market any place in respect of which a direction has been given by a Magistrate under section 392. [*Cf.* 1899, s. 484.]

Power to Corporation to require paving and draining of private markets, etc.

394. The Corporation may, by written notice, require the owner or occupier of any private market, *bazar*, private slaughter-house or place set apart under proviso (*iii*) to section 391— [*Cf.* 1899, s. 485.]

(*a*) to cause the whole or any portion of the floor of the market-building, market-place, *bazar*, slaughter-house or place set apart as aforesaid to be paved with dressed stone or other suitable material, and

(*b*) to cause such drains to be made in or from the market-building, market-place, *bazar*, slaughter-house or place set apart as aforesaid, of such material, size and description, at such level, and with such outfall as to the Corporation may appear necessary.

Power to Corporation to define limits of market and to require provision and maintenance of market approaches, etc.

395. (*1*) The Corporation may— [*Cf.* 1899, ss. 486 and 487.]

(*a*) define or determine the limits of any private market or *bazar*, or declare what portions of such market or *bazar* shall be made part of the existing approaches and roads to or in such market or *bazar*, and,

(*b*) by written notice, require the owner or occupier of such market or *bazar* to—

(*i*) lay out, construct, alter, clear, widen, pave, drain and light, to the satisfaction of the Corporation, such approaches, roads, passages and ways to or in such market or *bazar*, and

(*ii*) provide such conveniences for the use of persons resorting to such market or *bazar*, as the Corporation may think fit.

(*2*) The Corporation may, by written notice, require the owner or occupier of any private market or *bazar* to maintain in proper order the approaches, roads, passages and ways to or in such market or *bazar*, and such other conveniences as are provided for the use of persons resorting thereto.

(*3*) The Corporation shall cause a notice of the limits of any market or *bazar*, defined under sub-section (*1*), to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market or *bazar* is held.

Power to Corporation to levy charges, farm rents, etc., in municipal markets, etc.

396. The Corporation may— [*Cf.* 1899, s. 489.]

(*a*) charge such stallages, rents and fees—

(*i*) for the occupation or use of any stall, shop, standing, shed or pen in a municipal market, municipal slaughter-house or municipal stock-yard,

(Part V.—Chapter XXVII.—Markets, bazars and slaughter-places.—Clauses 397, 398.)

(*ii*) for the right to expose goods for sale in a municipal market,

(*iii*) for the use of machines, weights, scales and measures provided under clause (*b*) of section 387 for any municipal market, and

(*iv*) for the right to slaughter animals in any municipal slaughter-house, and for the feed of such animals before they are ready for slaughter,

as may from time to time be fixed by them in this behalf; or,

(*b*) farm the stallages, rents and fees leviable as aforesaid, or any portion thereof, for such period as they may think fit; or

(*c*) put up to public auction, or dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a municipal market, municipal slaughter-house or municipal stock-yard, for such period and on such conditions as they may think fit.

Power to Corporation to expel person contravening by-laws.

397. The Corporation may— [1899, s. 492.]

(*a*) expel from any municipal market, municipal slaughter-house or municipal stock-yard any person who or whose servant has been convicted of contravening any by-law made under section 468, at the time in force in such market, slaughter-house or stock-yard,

(*b*) prevent such person, by himself or his servants, from further carrying on any trade or business in such market, slaughter-house or stock-yard, or occupying any stall, shop, standing, shed, pen or other place therein, and

(*c*) determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Depôts for trading in food-stuffs, etc., in cases of emergency.

398. Whenever an emergency arises which in the opinion of the Corporation makes it advisable to open depôts for the purpose of trading in food-stuffs, fuel, cloth and other similar necessaries of life, they may, with the previous sanction of the Local Government and subject to such conditions and limitations as the Local Government may prescribe, open such depôts for any such purpose.

(Part V.)

CHAPTER XXVIII.

FOOD AND DRUGS.

Sale of food and drugs.

Licensing of butchers and of sale of meat, etc., outside market.

[*Cf.* 1899, ss. 493 and 494.]

399. (*1*) No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf,—

(*a*) carry on in Calcutta, or at any municipal slaughter-house without Calcutta, the trade or business of a butcher; or

(*b*) sell or expose or hawk about for sale any four-footed animal, or any meat or fish intended for human consumption, in any place other than a municipal market or a private market.

(*2*) Nothing in clause (*b*) of sub-section (*1*) shall apply—

(*a*) to the sale of meat or fish in any hotel or eating-house for consumption on the premises, or

(*b*) to fresh fish sold from, or exposed for sale on, a vessel in which it has been brought direct to Calcutta after being caught at sea or in the river.

Prohibition of sale, etc., of adulterated food or drugs.

[*Cf.* 1899, s. 495; Ben. Act VI of 1919, s. 5.]

400. (*1*) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or store for sale, any food or drug which is adulterated:

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely:—

(*a*) where any matter or ingredient not injurious to health has been added to any article of food or to any drug because the same is required for the production or preparation thereof, as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the inferior quality thereof; or

(*b*) where any article of food or any drug is unavoidably mixed with some extraneous matter in the process of collection or preparation; or

(*c*) where a patent has been granted under any law for the time being in force in respect of any article of food, and the article is sold in the state required by the specification of the patent.

(*2*) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed, hawked about for sale, or manufactured or stored for sale, by him.

(*3*) In any prosecution under this section the court shall, unless and until the contrary is proved, presume that any article of food or any drug found in the possession of a person who is in the habit of manufacturing or storing like articles has been manufactured or stored for sale by such person.

(*4*) No proceedings shall be instituted under this section without the written order of the Health Officer.

Prohibition of sale, etc., of certain articles which are not of the prescribed standard of purity.

401. (*1*) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or store for sale, any of the following articles, namely :— [*Cf.* Bom. Act III of 1888, ss. 415 and 417A; Ben. Act VI of 1919, s. 6.]

(*a*) milk (other than condensed or desiccated milk in hermetically-closed receptacles),
(*b*) butter,
(*c*) *ghee*,
(*d*) wheat flour,
(*e*) mustard oil, and
(*f*) any other article of food or any drug which may be notified by the Local Government in that behalf,

unless the following conditions are fulfilled, namely :—

(*i*) in the case of milk (other than condensed or desiccated milk in hermetically-closed receptacles)— [*Cf.* 62 & 63 Vict., c. 51, s. 4, and the Sale of Milk Regulations, No. 657 of 1901.]

the animal from which the milk is derived shall be distinctly stated in such manner as the Corporation may, by general or special order, require, and the article sold, exposed or hawked about for sale, or stored for sale, as the case may be, shall be the natural secretion from the udder of such animal, from which no ingredient has been extracted and to which no water or other substance (including any preservative) has been added, and shall not contain a less proportion of non-fatty solids and of fat than such as the Local Government may prescribe;

(*ii*) in the case of butter—

it shall be exclusively derived from milk or cream (other than condensed or desiccated milk, or cream), or both, with or without salt or other preservative and with or without the addition of colouring matter, such preservative or colouring matter being of such a nature and in such quantity as not to render the article injurious to health, and shall not contain a greater proportion of water than may be prescribed by the Local Government in this behalf;

(*iii*) in the case of *ghee*—

it shall contain only substances, other than curds, which are derived exclusively from the milk of cows or of buffaloes, and shall fulfil such conditions as may be prescribed by the Local Government;

(Part V.—Chapter XXVIII.—Food and drugs.—Clauses 402, 403

(*iv*) in the case of wheat flour—

it shall not contain any substance which is not derived exclusively from wheat ;

(*v*) in the case of mustard oil—

it shall be derived exclusively from mustard seed ; and

(*vi*) in the case of any food or drug notified by the Local Government under clause (*f*)—

it shall fulfil such conditions as may be prescribed by the Local Government in regard to such food or drug in such notification.

[*Cf.* 7 Edw. VII, c. 21. ss. 8 to 10.]

(*2*) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or store for sale, anything which is similar to any of the articles specified in clauses (*a*), (*b*), (*c*), (*d*) and (*e*) of sub-section (*1*), or to any article notified by the Local Government under clause (*f*) of that sub-section under a name which in any way resembles the name of such article.

(*3*) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed or hawked about for sale, or manufactured or stored for sale, by him.

(*4*) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any of the articles specified in clauses (*a*), (*b*), (*c*), (*d*) and (*e*) of sub-section (*1*), or any article notified by the Local Government under clause (*f*) of that sub-section, found in the possession of a person who is in the habit of manufacturing or storing like articles, has been manufactured or stored for sale by such person.

(*5*) No proceedings shall be instituted under this section without the written order of the Health Officer.

Prohibition of adulterants in places where butter, *ghee*, etc., are manufactured or stored.

[*Cf.* 7 Edw. VII, c. 21, s. 3; Ben. Act VI of 1919, s. 7.]

402. (*1*) No person shall keep or permit to be kept in any shop or place in which milk is stored or in any manufactory, shop or place, in which butter, *ghee*, wheat flour, mustard oil, or any article notified by the Local Government under clause (*f*) of sub-section (*1*) of section 401 is manufactured or stored, any substance intended to be used for the adulteration of such milk, butter, *ghee*, wheat flour, mustard oil, or other article.

(*2*) If any article capable of being so used is found in any such manufactory, shop, or place, the Court shall, unless and until the contrary is proved, presume, in any prosecution under this section, that it is intended to be used for the purposes of adulteration.

Receptacles for separated or skimmed condensed milk to be marked.

[*Cf.* Ben. Act VI of 1919, s. 8.]

403. No person shall sell or expose, or hawk about for sale any tin or other receptacle containing condensed milk which has been separated or skimmed, unless such tin or receptacle bears a label on which and on its wrapper (if any) it is clearly indicated, both in English and in Bengali, that the milk has been separated or skimmed and is not suitable for feeding infants under one year of age.

(Part V.—Chapter XXVIII.—Food and drugs.—Clauses 404-407.)

Prohibition of sale of diseased animals or unwholesome articles intended for human food.

404. (*1*) No person shall sell, store for sale, expose or hawk about for sale, or keep for sale, any animal intended for human consumption which is diseased, or any food or drug intended for human consumption, or manufacture any such food or drug, which is unsound, unwholesome, or unfit for human food. [*Cf.* 1899, s. 496.]

(*2*) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any animal, food, or drug found in the possession of a person who is in the habit of keeping animals of that class intended to be used for human consumption, or of keeping or manufacturing such food or drug for the purpose of human consumption, has been so kept or manufactured, as the case may be, for sale by such person.

Licensing of shops and places for retail sale of drugs.

405. (*1*) No person shall keep any shop or place for the retail sale of drugs, not being also articles of ordinary domestic consumption, without a license from the Corporation. [*Cf.* 1899, s. 497.]

(*2*) The person to whom such license is granted in respect of any shop or place shall display it in some conspicuous part of such shop or place.

Power to Local Government to make rules as to compounders.

406. The Local Government may make rules— [*Cf.* 1899, s. 498.]

(*a*) prescribing an educational course for candidates for compounders' certificates,

(*b*) prescribing a fee to be paid by persons seeking admission to a Government medical school for the purpose of undergoing such educational course,

(*c*) regulating the public examination of candidates for compounders' certificates, and prescribing the fee to be paid and the conditions to be observed by persons seeking admission to any such examination,

(*d*) regulating the grant of compounders' certificates to persons passing any such examination,

(*e*) regulating the registration of certificates so granted,

(*f*) permitting any person having such qualifications as may be prescribed in this behalf in the rules to compound, mix, prepare, dispense or sell drugs without obtaining such a certificate, and

(*g*) authorizing the cancellation of any certificate granted, or the withdrawal of any permission given, under the said rules, to any person who is proved in the course of a judicial trial to have made a serious mistake, through ignorance or carelessness in the compounding, mixing, preparation, dispensing or selling of drugs.

Prohibition in respect of compounding of drugs.

407. (*1*) No person shall compound, mix, prepare, dispense, or sell any drug in any shop or place licensed under section 405, unless he has a certificate or permission granted under rules made under section 406 and then in force. [*Cf.* 1899, s. 499.]

(Part V.—Chapter XXVIII.—Food and drugs.—Clauses 408-411.)

(*2*) No owner, occupier or keeper of any shop or place licensed under section 405 shall employ in such shop or place any person contravening the provisions of sub-section (*1*).

(*3*) If any person contravenes the provisions of sub-section (*2*), the Magistrate by whom he is tried may cancel the license granted to him under section 405, sub-section (*1*).

Saving as to practitioners of indigenous medicines.

408. Nothing in section 406 or section 407 shall apply to the sale of drugs used by practitioners of indigenous medicines when such drugs are not sold in a shop or place where medicines are dispensed upon prescription. [*Cf.* 1899, s. 500.]

Inspection, seizure and destruction of food and drugs.

Power to Health Officer to inspect place where unlawful slaughter of animals or sale of flesh is suspected.

409. If the Health Officer, or any person authorized by him in this behalf, has reason to believe that any animal intended for human consumption is being slaughtered, or that the flesh of any such animal is being sold or exposed or hawked about for sale, in any place or manner not duly authorized under this Act, he may, at any time by day or by night, without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or by-law made under this Act, at the time in force, is being contravened thereat. [*Cf.* 1899, s. 501.]

Corporation to provide for inspection of animals, etc., exposed for sale.

410. (*1*) The Corporation shall make provision for the constant and vigilant inspection of all animals, food and drugs intended for human consumption which are in course of transit or are exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale, [*Cf.* 1899, s. 502.]

and shall also make similar provision for the inspection, during the process of manufacture, of any such food or drug.

(*2*) If, as a result of such inspection as is provided for in sub-section (*1*), a prosecution is instituted under this chapter, then the burden of proving that any such animal, food or drug was not exposed or hawked about or deposited or brought for sale or for preparation for sale, or was not intended for human consumption, shall rest with the party charged.

Power to Health Officer to seize animals, etc., which are diseased, etc.

411. (*1*) The Health Officer, or any person authorized by him in this behalf, may, at any time by day or by night, inspect and examine any animal, food, or drug referred to in section 410 and any utensil or vessel used for preparing, manufacturing or containing any such food or drug. [*Cf.* 1899, s. 503; Ben. Act VI of 1919, s. 12.]

(*2*) If any such animal appears to the Health Officer, or a person authorized as aforesaid, to be diseased, or if any such food or drug appears to him to be unsound, unwholesome, or unfit for human food or for medicine, as the case may be, or to be adulterated, or if any such utensil or vessel is of such kind

or in such state as to render any food or drug prepared, manufactured, or contained therein unwholesome or unfit for human food, or for medicine, as the case may be,

he may seize and carry away such animal, food, drug, utensil, or vessel, in order that the same may be dealt with as hereinafter in this chapter provided.

Explanation—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

(*3*) The Health Officer, or a person authorized as aforesaid, may, instead of carrying away any animal, food, drug, utensil, or vessel seized under sub-section (*2*), leave the same in such safe custody as he thinks fit in order that the same may be dealt with as hereinafter in this chapter provided; and no person shall remove such animal, food, drug, utensil, or vessel from such custody or interfere or tamper with the same in any way while so detained.

Destruction of animals, etc., seized under section 411.

412. (*1*) When any animal, food, drug, utensil, or vessel is seized under section 411, it may, with the consent of the owner or the person in whose possession it was found, be forthwith destroyed; or, [*Cf.* 1899, s. 504.]

if such consent be not obtained, then, if any food or drug so seized is of a perishable nature, and is, in the opinion of the Executive Officer, the Health Officer, an Assistant or District Health Officer or any Councillor or Alderman, unsound, unwholesome or unfit for human food or medicine, it may likewise be destroyed.

(*2*) The expenses incurred in taking any action under sub-section (*1*) shall be paid by the person in whose possession such animal, food, drug, utensil, or vessel was at the time of its seizure.

Taking before Magistrate animals, etc., seized under section 411.

413. (*1*) Any animal, food, drug, utensil, or vessel seized under section 411 which is not destroyed in pursuance of section 412 shall, subject to the provisions of section 411, sub-section (*3*), be taken before a Magistrate as soon as may be after such seizure. [*Cf.* 1899, s. 505; Ben. Act VI of 1919, s. 13.]

(*2*) If it appears to the Magistrate that any such animal is diseased, or that any such food or drug is unsound, unwholesome, or unfit for human food, or for medicine, as the case may be, or is adulterated, or that any such utensil or vessel is of such kind or in such state as is mentioned in section 411, sub-section (*2*), or is used for preparing, manufacturing or containing such food or drug, he shall cause the same—

(*a*) to be forfeited to the Corporation, or

(*b*) to be destroyed, at the expense of the person in whose possession it was at the time of its seizure.

(*3*) If it appears to the Magistrate that any such animal is not diseased or that any such food or drug is not unsound, unwholesome, or unfit for human food, or for medicine, as the case may be, or is not adulterated, or that any such utensil or vessel is not used for preparing, manufacturing, or containing the same, the person from whose shop or place the animal, food, drug, utensil, or vessel was taken shall be

(Part V.—Chapter XXVIII.—Food and drugs.—Clauses 414-416.)

entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss which he has sustained, as the Magistrate may think proper.

Analysis of food and drugs.

Power to Local Government to declare normal constituents of any article of food.

414. (*1*) The Local Government may declare the normal constituents of any article of food and may determine, by rules in this behalf, what deficiency in any of these constituents, or what addition of extraneous matter or proportion of water in a sample of any article of food, shall, for the purposes of this Act, raise a presumption until the contrary is proved that the article of food is not genuine or is injurious to health ; and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act. [*Cf.* Ben. Act VI of 1919, s. 4.]

(*2*) All rules made under sub-section (*1*) shall be subject to the condition of previous publication.

Power of purchaser to have article of food analysed.

415. Any purchaser of an article of food shall be entitled, on payment of such fee as the Corporation may prescribe, to have such article analysed by a public analyst and to receive from him a certificate in the form prescribed in Schedule XIX to this Act, of the result of his analysis. [*Cf.* Ben. Act VI of 1919, s. 9.]

Compulsory sale to Health Officer for purpose of analysis.

416. (*1*) If the Health Officer, or any person authorized by him in this behalf, requires the sale to him of any food or drug exposed or intended for sale, and tenders the price for a quantity not more than is reasonably requisite for division and disposal under sub-section (*4*) and sub-section (*5*), any person in possession of or exposing the same for sale shall be bound to sell such quantity. [*Cf.* 1899, s. 507.]

(*2*) The Health Officer, or any person authorized by him in this behalf, may require, on tendering the price for it, the sale to him during the process of manufacture, of any quantity of—

(*i*) any food, or

(*ii*) any drug, or

(*iii*) any ingredients used in the manufacture of any food or drug,

not being more than is reasonably requisite for division and disposal under sub-section (*4*) and sub-section (*5*), and any person in possession of the said food, drug or ingredients shall be bound to sell such quantity.

(*3*) The Health Officer, or any person authorized by him in this behalf, may likewise require the surrender to himself, for the purpose of analysis, of such quantity as is reasonably requisite for such process, of any food which is in course of transit in Calcutta or stored in any place in Calcutta for sale as an article for human consumption, and any person in possession of the same shall be bound to surrender such quantity ;

and in every such case the price of the food so surrendered shall be payable by the Health Officer or by the person authorized by him, to the owner of the same, if claimed by such owner within one month from the date of the said surrender.

(*Part V.—Chapter XXVIII.—Food and drugs.—Clauses 417, 418,*)

(*4*) When any sale under sub-section (*1*) or sub-section (*2*) is completed, or when any food is surrendered under sub-section (*3*), the Health Officer, or the person authorized by him in this behalf, or any purchaser who wishes to have an article of food analysed under section 415 shall forthwith notify to the seller, or his agent selling the article or the person in possession thereof, as the case may be, his intention to have the same analysed, and shall divide the article into three parts, to be then and there separated, and each part to be marked and sealed or fastened up in any manner which its nature will permit. [*Cf.* Ben. Act VI of 1919, s. 11(*1*).]

(*5*) The Health Officer, or the person authorized by him in this behalf, or the purchaser referred to in sub-section (*4*) shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to a public analyst.

Duty of public analyst to supply certificate of analysis.

417. (*1*) Every public analyst to whom any article of food has been submitted for analysis under this Act shall deliver to the person so submitting it a certificate in the form prescribed in Schedule XIX to this Act, specifying the result of his analysis, and shall send a copy of the same to the Health Officer. [*Cf.* Ben. Act VI of 1919, s. 14.]

(*2*) Any document purporting to be such certificate signed by a public analyst shall be sufficient evidence in any inquiry, trial or proceeding under this Act of the result of such analysis:

Provided that any Court before which a case may be pending under this Act, whether exercising original, appellate, or revisional jurisdiction, may, of its own motion, or at the request either of the accused or the complainant, cause any article of food to be sent for analysis to the Director of Public Health, Bengal, or any other officer whom the Local Government may appoint in this behalf, who shall thereupon analyse the same and report the result of such analysis to the said Court, and the said report shall be admissible in evidence in such Court. The expense of such analysis shall be paid by the accused or the complainant, as the Court may, by order, direct.

Vesting of condemned food or drug in Corporation.

Food and drugs directed to be destroyed, etc., to be property of Corporation.

418. When any authority directs, in exercise of any powers conferred by this chapter, the destruction of any food or any drug, or the disposal of the same so as to prevent its being used as food or medicine, the same shall thereupon be deemed to be the property of the Corporation. [*Cf.* 1899, s. 508.]

(*Part V.*)

CHAPTER XXIX.

MILK-SUPPLY.

Special powers to the Corporation.

419. In addition to the other powers and duties conferred or imposed on them by or under this Act or any other Act for the time being in force, the Corporation, in their discretion, may— [*Cf.* 1899, s. 14.]

(*i*) establish, furnish, and maintain municipal dairies and grazing grounds either within or without Calcutta;

(*ii*) subsidize by such means as to the Corporation may seem proper, privately-owned grazing grounds, lease to any person for the purpose of establishing or extending a private dairy, whether within or without Calcutta, lands acquired by the Corporation under this Act, and provide facilities for, and in connection with, the transport of milk and other dairy produce to Calcutta from any municipal or private dairy;

(*iii*) purchase, maintain, or dispose of stud-bulls and take such other measures as may appear to the Corporation to be desirable with a view to improving the local breed of cattle; and

(*iv*) establish, furnish, and maintain depôts for the sale of milk and other dairy produce from municipal and other dairies.

Licensing of dairyman.

420. (*1*) No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in that behalf,— [*Cf* Bom. Act III of 1888, s. 412A.]

(*a*) carry on in Calcutta the trade or business of a dairyman; or

(*b*) use any place in Calcutta for the sale of milk.

(*2*) Nothing in sub-section (*1*) shall apply to the sale of milk in any hotel or eating-house for consumption on the premises.

Corporation to be satisfied as to the sanitary condition of dairies before granting license under section 420.

421. No person shall be licensed under section 420, sub-section (*1*), unless the Corporation, after due inquiry, are satisfied that the milk is obtained by him from a dairy, whether within or without Calcutta, in which the provisions for the lighting, the ventilation, including air-space, and the cleansing, drainage and water-supply are such as in the opinion of the Corporation are necessary or proper— [*Cf.* the Dairies, Cow-sheds and Milk-shops Order of 1885, o. 8.]

(*a*) for the health and good condition of the milch-cattle therein,

(*b*) for the cleanliness of milk vessels used therein for containing milk for sale, and

(*c*) for the protection of the milk against infection or contamination.

(Part V.—Chapter XXIX.—Milk-supply.—Clauses 422-425.)

Power to cancel license.

422. The Corporation may, at any time, cancel a license granted under section 420, sub-section (*1*), for contravention of any term of the license or of any by-law made under section 468, relating to milk.

Power to require dairymen to furnish list of sources of supply.

423. If the Health Officer has reason to believe that any person in Calcutta is suffering or is likely to suffer from a dangerous disease attributable to milk supplied in Calcutta from any dairy situated within or without Calcutta, or that the consumption of milk from such place is likely to cause any person in Calcutta to suffer from a dangerous disease, the Health Officer may require the person supplying the milk to furnish, within a reasonable time to be fixed by the Health Officer, a complete list of all dairies from which that person's supply of milk is derived or has been derived during the last six weeks, and, if the supply or any part of it is obtained through any other person, may make a similar requisition upon him; and every person on whom any such requisition is made shall comply therewith. [*Cf.* 7 Edw. VII, c. 53, s. 53.]

Inspection of dairies and prohibition of milk-supply.

424. (*1*) The Health Officer may inspect, with a qualified Veterinary Surgeon, any dairy referred to in section 423, and the milch-cattle therein, and if, on such inspection, the Health Officer is of opinion that the dangerous disease is caused from consumption of the milk supplied therefrom, he may make an order prohibiting the supply of any milk for human consumption from such dairy. [*Cf.* 53 & 54, Vict. c. 34, s. 4.]

(*2*) An order made by the Health Officer under sub-section (*1*) shall be forthwith withdrawn on his being satisfied that the milk-supply has been changed or that the cause of infection has been removed.

(*3*) When an order is made under sub-section (*1*) or is withdrawn under sub-section (*2*) in respect of a dairy situated outside Calcutta, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(*4*) When an order is made under sub-section (*1*), the Health Officer may permit such milk, if it has been boiled, to be sold or used under such reasonable restrictions as he may prescribe in this behalf for food of animals, or he may cause the milk to be destroyed, and in every such case he shall pay compensation to the owner thereof.

(*5*) No person shall sell or supply any milk in contravention of the provisions of this section.

(*6*) No dairyman shall be liable to an action for breach of contract if the breach be due to an order passed under this section.

Power to seize and send milch-cattle to veterinary hospital for treatment.

425. (*1*) If, on an inspection referred to in section 424, sub-section (*1*), the Health Officer is of opinion that any milch-cattle in such dairy are suffering from a disease which is likely to cause any person consuming the milk to suffer from a dangerous disease, he may cause any such animal to be seized and may send it to a veterinary hospital for treatment. [*Cf.* Ben. Act 1 of 1920, s. 24(*1*), (*2*), (*3*) and (*4*).]

(*2*) When any such animal has been sent to a veterinary hospital under sub-section (*1*), it shall be detained there until, in the opinion of the officer in charge of the hospital, it is cured.

(*3*) The cost of the treatment, feeding and watering of the animal in the hospital shall be payable by the owner of the animal according to such scale of rates as the Corporation may, from time to time, prescribe.

(*4*) If the owner refuses or neglects to pay such cost or to remove the animal within such time as the officer in charge of the hospital may prescribe, that officer may direct the animal to be sold and the proceeds of the sale to be applied to the payment of such cost.

(*5*) The surplus, if any, of the sale-proceeds shall be held in deposit by the Corporation, and shall, on application to be made by the owner within two months after the date of sale, be paid to him.

Licensees to notify infectious diseases existing among persons engaged in dairies.

426. Every person licensed under section 420, sub-section (*1*), shall notify to the Health Officer all cases of dangerous disease among persons engaged in, or in connection with the dairy, whether within or without Calcutta, from which he obtains his supply of milk for sale in Calcutta, as soon as he becomes aware or has reason to suspect that such dangerous disease exists. [*Cf.* 7 Edw. VII, c. 53, s. 54.]

Application of section 497 to an entry to inspect dairy.

427. The provisions of section 497 shall be applicable to an entry to inspect a dairy, whether within or without Calcutta, from which any milk is obtained for sale in Calcutta, for the purposes of this Act.

(*Part V.*)

CHAPTER XXX.

RESTRAINT OF INFECTION.

Medical practitioners to give information of existence of dangerous disease.

428. Every medical practitioner who treats, or becomes cognizant of the existence of, any dangerous disease in any private or public dwelling-house, other than a public hospital, shall give information of the same with the least practicable delay to the Health Officer in such form and with such details as the Health Officer may, from time to time, require. [*Cf.* 1899, s 513.]

Power to Health Officer to inspect places and take measures to prevent spread of dangerous disease.

429. The Health Officer, or any other municipal officer authorized by him in this behalf, may, at any time by day or by night, without notice, or after giving such notice of his intention as may, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of the said disease beyond such place. [*Cf.* 1899, s. 514.]

Prohibition of use, for drinking or for other domestic purpose, of water likely to cause dangerous disease.

430. (*1*) If it appears to the Health Officer that the water in any well, tank or other place is likely, if used for the purpose of drinking or for any other domestic purpose, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for such purpose. [*Cf.* 1899, s 515.]

(*2*) No person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

Power to Health Officer to remove patient to hospital in certain cases

431. (*1*) When, in the opinion of the Health Officer, any person is suffering from a dangerous disease and is also without proper lodging or accommodation or is lodged in such a manner that he cannot be effectually isolated so as to prevent the spread of infection, and the said officer considers that such person should be removed to a hospital or place at which patients suffering from such disease are received for medical treatment, he may direct or cause the removal of such person to such hospital or place : [1899, s. 516.]

Provided that, if any such person is a female, she shall not be removed to any such hospital or place unless the same has accommodation for females, of a suitable kind, and set apart from the portion assigned to males.

(*2*) The Health Officer shall, in the exercise of his powers under sub-section (*1*), be subject to the control of the Corporation.

(*3*) The person (if any) who has charge of a person in respect of whom an order is made under sub-section (*1*) shall obey such order.

(*4*) If any female who, according to the custom of the country, does not appear in public, be removed to any hospital or place under sub-section (*1*)—

(*a*) the removal shall be effected in such a way as to preserve her privacy ;

(*b*) special accommodation suited to such custom shall be provided for her in such hospital or place ;

(*Part V.—Chapter XXX.—Restraint of infection.—Clauses 432-434.*)

(*c*) she shall be treated therein by female agency only; and

(*d*) her female relatives shall be allowed to remain with her.

Power to Health Officer to disinfect building, tank, pool or well.

432. (*1*) If the Health Officer, or any person authorized by him in this behalf, is of opinion that the cleansing or disinfecting of any building or any part of a building, or of any article therein which is likely to retain infection, or of any tank, pool or well adjacent to a building, would tend to prevent or check the spread of any dangerous disease, he may cleanse or disinfect such building, part, article, tank, pool or well and may, by written notice, require the occupier of such building or any part thereof to vacate the same for such time as may be prescribed in such notice. [*Cf.* 1899, s. 517.]

(*2*) The cost of cleansing or disinfecting any building or part thereof, or any article therein, under sub-section (*1*) shall be paid by the occupier of such building and the cost of cleansing or disinfecting any tank, pool or well, under the said sub-section, shall be paid by the person in actual possession of such tank, pool or well, or if there be no such person, by the owner thereof:

Provided that if, in the opinion of the Corporation, the occupier is from poverty unable to pay the said cost, the Corporation may direct payment thereof to be made from the Municipal Fund.

Power to Health Officer to destroy huts and sheds.

433. (*1*) If the Health Officer is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed. [*Cf.* 1899, s. 518.]

(*2*) Compensation shall be paid by the Corporation to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the Corporation, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by sub-section (*1*).

Infected building not to be let without being first disinfected.

434. No person shall let a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease,— [*Cf.* 1899, s 519.]

(*a*) unless the Health Officer has disinfected the same and has granted a certificate to that effect, and

(*b*) until a date specified in such certificate as that on which the building or part may be occupied without causing risk of infection.

Explanation.—For the purposes of this section the keeper of an hotel or inn shall be deemed to let part of his building to any person accommodated therein.

(Part V.—Chapter XXX.—Restraint of infection.—Clauses 435-437.)

Provision of places for disinfection, washing or destruction of infected articles, and power to Health Officer to disinfect or destroy such articles.

435. (*1*) The Corporation may provide a place or places, with all necessary apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have become infected; and when any articles have been brought to any such place for disinfection, may cause them to be disinfected either,— [*Cf.* 1899, s. 520.]

(*a*) in their discretion, on payment of such fees as they may from time to time fix in this behalf; or,

(*b*) in any case in which they are satisfied that the parties are too poor to pay, free of charge.

(*2*) The Corporation may from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

(*3*) The Health Officer, or any person authorized by him in this behalf, may disinfect or destroy, or, by written notice, direct the disinfection or destruction of any clothing, bedding or other articles likely to retain infection.

(*4*) The Corporation shall pay reasonable compensation for any article destroyed under sub-section (*3*).

Infected articles not to be transmitted, etc., without previous disinfection.

436. (*1*) No person shall, without previous disinfection of the same, give, lend, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease. [*Cf.* 1899, s. 521.]

(*2*) Nothing in sub-section (*1*) shall apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

Restrictions on carriage of patient in public conveyance.

437. (*1*) No person who is suffering from a dangerous disease shall enter, or cause or permit himself to be carried in, a public conveyance without— [*Cf.* 1899, s. 522.]

(*a*) previously notifying to the owner, driver, or person in charge of such conveyance that he is so suffering, and

(*b*) taking proper precautions against spreading such disease.

(*2*) Notwithstanding anything contained in any enactment relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

(Part V.—Chapter XXX.—Restraint of infection.—Clauses 438-440.)

(*3*) No person shall go in company with or take charge of, any person suffering as aforesaid who causes or permits himself to be carried in a public conveyance in contravention of sub-section (*1*).

(*4*) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of sub-section (*1*).

Disinfection of public conveyance after carriage of patient.

438. (*1*) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried shall immediately take the conveyance for disinfection to a place appointed under section 435, sub-section (*1*). [*Cf.* 1899, s. 523.]

(*2*) The person in charge of such place shall forthwith intimate to the Health Officer the number of the conveyance and proceed to disinfect the conveyance.

(*3*) No such conveyance shall be used until the Health Officer has granted a certificate stating that it may be used without causing risk of infection.

Power to Corporation to provide special conveyances for patient.

439. (*1*) The Corporation may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease. [*Cf.* 1899, s. 524.]

(*2*) When such conveyances have been provided, it shall not be lawful, without the sanction of the Health Officer, to carry any such person in, or for any such person to cause himself to be carried in, any other public conveyance.

Power to Corporation to take special measures on outbreak of dangerous disease or infectious epizootic disease.

440. In the event of Calcutta being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious epizootic disease breaking out or being likely to be introduced into Calcutta, the Corporation, if they consider that the other provisions of this Act or the provisions of any other enactment for the time being in force are insufficient for the purpose, may, with the sanction of the Local Government,— [*Cf.* 1899, s. 525.]

(*a*) take such special measures, and,

(*b*) by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons,

as he may deem necessary to prevent the outbreak of such disease or the spread thereof.

(*Part V.*)

CHAPTER XXXI.

REGISTRATION OF BIRTHS AND DEATHS AND DISPOSAL OF THE DEAD.

Registration of births and deaths.

Appointment of registrars and sub-registrars, and list of same.

441. (*1*) The Health Officer shall be chief registrar of Calcutta and shall keep, in such form as may from time to time be prescribed by the Local Government, a register of all births and deaths occurring in Calcutta. [*Cf.* 1899, ss. 526 and 528.]

(*2*) The Corporation shall, for the purposes of this chapter, divide Calcutta into such and so many districts as the Local Government may think fit, and shall appoint a person to be registrar of births and deaths for each such district.

(*3*) On the occurrence of any dangerous disease, the Corporation may appoint as many additional registrars as they may think necessary.

(*4*) The Corporation shall appoint a sub-registrar for each registered burial or burning ground or other place for the disposal of the dead, to register all corpses brought thereto for interment or cremation or for disposal otherwise:

Provided that it shall be competent to the Corporation to appoint the same sub-registrar for more than one such burial or burning ground or other place.

(*5*) The Corporation shall cause to be printed and published a list containing the name and address of every registrar and sub-registrar appointed under this section.

Register-books.

442. The Corporation shall cause to be prepared and printed a sufficient number of register-books, in such form as may from time to time be prescribed by the Local Government, for making entries of all births and deaths occurring in Calcutta. [*Cf.* 1899, s. 529.]

Registrar to inform himself of, and register, births and deaths.

443. A registrar shall inform himself of every birth and death occurring in his district, and shall ascertain and register, as soon as conveniently may be after the event, and without fee or reward, the particulars prescribed in Schedule XX or Schedule XXI, as the case may be, in respect of every birth or death which has not been already registered. [*Cf.* 1899, s. 530.]

Information of birth by whom to be given.

444. It shall be the duty of the father or mother of every child born in Calcutta and, in default of the father or mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present or in attendance at the time of the birth, and of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar of the district within eight days after such birth, information of the several particulars prescribed in Schedule XX: [*Cf.* Bom. Act III of 1888, s. 446.]

Provided that if any one of the persons hereinbefore referred to gives the said information, no other person shall be bound to give it:

Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Clauses 445-448.)

enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Information of death by whom to be given.

445. It shall be the duty of the nearest relatives present at the time of the death or in attendance during the last illness of any person dying in Calcutta, and in default of such relatives, of each person present or in attendance at the time of the death, and of the occupier of the premises in which, to his knowledge, the death took place, and in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the registrar of the district, or to the sub-registrar of the burial or burning ground or other place for the disposal of the dead where the body is buried or burnt or otherwise disposed of, information of the several particulars prescribed in Schedule XXI:

[*Cf.* Bom Act III of 1888, s. 449.]

Provided that if any of the persons hereinbefore referred to gives the said information, no other person shall be bound to give it:

Provided also that if the death occurs in a hospital, none of the said persons shall be bound to give such information, but it shall be the duty of the medical officer in charge of the hospital, within twelve hours after the death, to send to the Health Officer a written notice containing the several particulars prescribed in Schedule XXI.

Medical practitioners to send to Health Officer notice stating cause of death.

446. Any medical practitioner in attendance during the last illness of any person dying in Calcutta shall, within three days of his becoming cognizant of the death of such person, send a written notice to the Health Officer, as nearly as may be in the form prescribed in Schedule XXI, stating, to the best of his judgment, the cause of death.

[*Cf.* 1899, s. 533.]

Duties of police with regard to unclaimed corpses.

447. It shall be the duty of the police to convey every unclaimed corpse to a burial or burning ground or other place for the disposal of the dead, or to a duly appointed mortuary, and thereafter to inform the registrar of the district in which such corpse was found.

[*Cf.* 1899, s. 534.]

Sextons, etc., not to bury, etc., corpse without certificate.

448. A sexton or keeper of a burial or burning ground or other place for the disposal of the dead, whether situated in Calcutta or not, shall not bury, burn or otherwise dispose of, or allow to be buried or burnt or otherwise disposed of, the corpse of any person who has died in Calcutta unless such corpse is accompanied by a certificate, in the form prescribed by Schedule XXI, signed by a registrar or sub-registrar appointed under section 441 or by a registered medical practitioner:

[*Cf.* 1899 s. 536.]

Provided that, at any burial or burning ground or other place for the disposal of the dead where there is a sub-registrar who keeps a register in the form prescribed by the said Schedule, an entry in such register relating to the deceased shall be deemed sufficient.

(*Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Clauses 449-453.*)

Power to Local Government to make rules.

449. The Local Government may make rules— [*Cf.* 1899, s. 538.]

(*a*) prescribing the qualifications to be required in persons appointed to be registrars or sub-registrars under this chapter;

(*b*) generally, for the guidance of the Corporation, the Health Officer, registrars and sub-registrars in all matters connected with the carrying out of the provisions of this chapter.

Disposal of the dead.

Registration of places for disposal of the dead.

450. Every owner or keeper of a place used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by the Corporation, and shall deposit in the municipal office at the time of registration a plan of the said place showing the extent and boundaries thereof and bearing the signature of a surveyor in token of its having been prepared by or under the supervision of such surveyor. [*Cf.* 1899, s. 539.]

Provision and registration of new places for disposal of the dead.

451. If the existing places for the disposal of the dead appear to the Corporation at any time to be insufficient, or if any such place is closed under the provisions of section 453, they shall— [*Cf.* 1899, s. 540.]

(*a*) provide other fit and convenieht places for the disposal of the dead, either in or without Calcutta,

(*b*) cause the same to be registered in the register kept under section 450, and

(*c*) cause to be kept in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same.

Permission of the Corporation required for opening or re-opening places for disposal of the dead.

452. Except with the written permission of the Corporation— [*Cf.* 1899, s. 541.]

(*a*) no place which has never previously been lawfully used as a place for the disposal of the dead and registered as such shall be opened by any person as such place, and

(*b*) no burial or burning ground or other place for the disposal of the dead which has fallen into disuse shall be again used as such.

Power to Local Government to direct the closing of any place for the disposal of the dead.

453. (*1*) If, from information furnished by competent persons and after personal inspection, the Health Officer is at any time of opinion— [*Cf.* 1899, s. 542.]

(*a*) that any place of public worship is, or is likely to become, injurious to health by reason of the state of the vaults or graves within the walls of, or underneath, such place or in any churchyard or burial ground adjacent thereto, or

(*b*) that any other place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health,

(*Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Clauses 454, 455.*)

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with their opinion, for the consideration of the Local Government.

(*2*) Upon receipt of such opinion, the Local Government, after such further inquiry (if any) as they deem fit to make, may, by notification published in the *Calcutta Gazette* and in local newspapers, direct that such place of public worship, churchyard, burial ground or other place for the disposal of the dead shall no longer be used for the disposal of the dead.

(*3*) Every such notification shall be noted in the register kept under section 450.

(*4*) On the expiration of two months from the date of any such notification, the place to which the same relates shall be closed for the disposal of the dead.

(*5*) A copy of the said notification, with a translation thereof in the Bengali, Hindi and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the notification relates, unless such place be a place of public worship.

Power to Local Government to direct re-opening of place closed under section 453 or other enactment.

454. (*1*) If, after personal inspection, the Health Officer is at any time of opinion that any place formerly used for the disposal of the dead which has been closed under section 453 or under any other enactment or authority has, by lapse of time, become no longer injurious to health and may, without risk of danger, be again used for the said purpose, [*Cf.* 1899, s. 543.]

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with their opinion, for the consideration of the Local Government.

(*2*) Upon receipt of such opinion, the Local Government, after such further inquiry (if any) as they deem fit to make, may, by notification published in the *Calcutta Gazette*, direct that such place be re-opened for the disposal of the dead.

(*3*) Every such notification shall be noted in the register kept under section 450.

Prohibition of certain acts without the permission of the Health Officer.

455. (*1*) No person shall, without the written permission of the Health Officer,— [*Cf.* 1899, s. 545.]

(*a*) make any vault, grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship; or

(*b*) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 453; or

(*c*) build, dig or cause to be built or dug any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse, at any place which is not registered in the register kept under section 450; or

(*Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Clause 455.*)

(*d*) exhume any body from any place for the disposal of the dead, except under the provisions of section 176 of the Code of Criminal Procedure, 1898, or of any other relevant enactment for the time being in force. V of 1898

(*2*) Such permission may be granted by the Health Officer in special cases only and subject to such general or special orders as the Local Government may make in this behalf.

(*3*) An offence against clauses (*b*), (*c*) or (*d*) of sub-section (*1*) shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the said Code of Criminal Procedure, 1898. V of 1898.

(*Part V.*)

CHAPTER XXXII.

CENSUS.

Census when and how to be taken.

456. (*1*) At such time and in such manner as the Corporation with the sanction of the Local Government, may from time to time direct, an enumeration shall be made of all persons then being in Calcutta. [*Cf.* 1899, s. 546.]

(*2*) When any time is appointed under sub-section (*1*), the Local Government shall, at least one month before that time, publish a notification in the *Calcutta Gazette*, announcing the said time and containing all other particulars of which they consider the residents should be informed.

Superintendence of enumeration.

457. Any person specially appointed by the Corporation for the purpose (hereinafter called the Superintendent), shall superintend the making of every enumeration under this chapter, and shall cause to be prepared and issued, for the purposes of such enumeration, such forms and instructions as he may consider necessary and as may be sanctioned by the Local Government. [*Cf.* 1899, s. 547.]

Expenses of enumeration.

458. The expenses incurred in making any enumeration under this chapter shall be paid out of the Municipal Fund. [*Cf.* 1899, s. 548.]

Appointment and duties of enumerators.

459. (*1*) The Superintendent shall appoint a sufficient number of competent persons to act as enumerators for the purposes of this chapter. [*Cf.* 1899, s 550.]

(*2*) Every enumerator shall obey all instructions issued to him by the Superintendent for the making of the enumeration, and shall, under the direction of the Superintendent, and on the day to be appointed by the Corporation in this behalf,—

(*a*) visit every building within the area to which he has been appointed;

(*b*) take an account in writing of the name, sex, age, caste (if any), nationality and occupation of every person abiding in such building on the night immediately preceding the said day; and

(*c*) take an account in writing of all occupied buildings, all buildings then being built and uninhabited, and all other uninhabited buildings:

Provided that no female shall be required to disclose her name or age.

Military and naval officers and certain other persons, if required, to act as enumerators

460. (*1*) The following persons, namely,— [*Cf.* 1899, s. 551.]

(*a*) any military or naval officer in command of a body of military or naval men or of a vessel of war,

(*b*) any master of a merchant vessel,

(*c*) any *serang* or *tindal*, or any person in charge of a vessel or boat,

(*Part V.—Chapter XXXII.—Census.—Clause 460.*)

(*d*) any person in charge of a lunatic asylum, hospital or prison, or of any public or private charitable or scholastic institution, and

(*e*) any keeper of an hotel or lodging-house,

shall, if required by the Superintendent, act as an enumerator for the purpose of taking an account in writing of the name, sex, age, caste (if any), nationality and occupation of every person under his command or charge, or abiding in any building in his possession, charge or control, on the night immediately preceding the day appointed under section 459, sub-section (*2*), and shall obey all instructions issued to him in writing by the Superindendent for the purposes of taking such account.

(*2*) If any person upon whom a requisition is made under sub-section (*1*) is unable to write, an enumerator appointed under section 459, sub-section (*1*), shall fill up any form supplied to such person under that sub-section.

PART VI.

CHAPTER XXXIII.

ACQUISITION, DISPOSAL AND GENERAL IMPROVEMENT OF LAND AND BUILDINGS.

Acquisition and disposal of land and buildings.

Power to Corporation to acquire land and buildings for improvements.

461. The Corporation may acquire any land and buildings, whether situated in Calcutta or not,— [*Cf.* 1899, s. 394.]

(*1*) for the purpose of opening out any congested or unhealthy area or of otherwise improving any portion of Calcutta; or

(*2*) for the purpose of erecting sanitary dwellings for the poorer classes.

Scheme for carrying out such improvements.

462. (*1*) When any land or building has been acquired under section 461 for the purpose of carrying out any work, the Corporation shall frame a scheme for carrying out such work either by themselves or by any other person whom they may select to carry out the same. [*Cf.* 1899, s. 396.]

(*2*) When any scheme is framed under sub-section (*1*) for the carrying out of work by any person other than the Corporation, the scheme shall embody the terms and conditions agreed upon between the Corporation and such person;

and such conditions shall be deemed to include a power to the Corporation to superintend and control the execution of the work.

(*3*) Every scheme framed under sub-section (*1*) shall be published in the *Calcutta Gazette* and in such other manner as the Corporation may think fit, together with a notice specifying a period within which objections will be received.

(*4*) The Corporation shall consider all objections received within the said period, and shall submit the documents to the Local Government with such recommendations as they may desire to make.

(*5*) The Local Government, after considering the said objections and recommendations (if any), may confirm the scheme, and before doing so may modify it, but not so as to extend its effect.

Power to Corporation to carry out improvements.

463. When any scheme for the carrying out of work by the Corporation themselves has been confirmed by the Local Government under section 462, sub-section (*5*), the Corporation may proceed to carry out the work in accordance with the scheme. [*Cf.* 1899, s. 396.]

Transfer of land and buildings to person for carrying out improvements.

464. (*1*) When any scheme for the carrying out of work by any person other than the Corporation has been confirmed by the Local Government under section 462, sub-section (*5*), the Corporation may sell, lease or otherwise transfer to such person the land and buildings which have been acquired under section 461, for the purpose and under the condition that he will carry out such work in accordance with the said scheme. [*Cf.* 1899, s. 397.]

(*Part VI.—Chapter XXXIII.—Acquisition, disposal and general improvement of land and buildings.—Clauses 465, 466.*)

(2) Every lease granted by the Corporation under this section shall be deemed to include a covenant authorizing the Corporation to re-enter if the lessee—

(*a*) fails to carry out any work in accordance with the said scheme, or,

(*b*) after carrying out the work, uses the land or buildings leased to him, or any part thereof, or allows the same to be used, for any purpose which is inconsistent with the said scheme;

and such covenant shall be binding on all transferees from the original lessee.

(3) Before possession of any land or building is given to any person by the Corporation in pursuance of any contract (other than a lease) made under this section, the Corporation shall take security from such person for the due carrying out and maintenance of work in accordance with the said scheme.

Additional powers for acquisition, disposal, etc.

Further powers to Corporation for acquiring and disposing of land or buildings.

465. In addition to the powers expressly conferred by any other section of this Act for the acquisition and disposal of land or buildings, the Corporation may— [*Cf.* 1899, s. 556.]

(1) acquire, or pay rent for, or take on lease under such conditions as they may think fit, any land and buildings, whether situated in Calcutta or not, which may, in their opinion, be needed for carrying out any of the purposes of this Act, and

(2) sell, lease or otherwise transfer, on such terms as they may think fit, any land or building vested in them.

General provisions.

Application of Land Acquisition Act, 1894, with amendments.

466. Any land or buildings which the Corporation are authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and for that purpose the said Act shall be subject to the following amendments, namely,— [*Cf.* 1899, s. 557.]

I of 1894.

(*a*) section 17 of the said Land Acquisition Act shall apply also in the case of any area which is stated in a certificate granted by a Magistrate to be unhealthy. Before granting any such certificate the Magistrate shall cause notice to be served as promptly as may be on the persons referred to in sub-section (3) of section 9 of the said Act, and shall hear without any avoidable delay any objections which may be urged by them against the application of the said section 17. When proceedings have been taken under the said section 17 for the acquisition of any land, and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for such dispossession;

(Part VI.—Chapter XXXIII.—Acquisition, disposal and general improvement of land and buildings.—Clause 467.)

(*b*) the market-value of any land or building to be acquired shall be deemed, for the purposes of clause *first* of sub-section (*1*) of section 23 of the said Land Acquisition Act, to be the market-value according to the disposition of such land or building at the date of publication of the declaration relating thereto under section 6 of the said Land Acquisition Act:

Provided as follows :—

(*i*) if it be shown that, before such declaration was published, the owner of the land or building had taken active steps and incurred expenditure to secure a more profitable disposition of the same, further compensation, based on his actual loss, may be paid to him ;

(*ii*) if the market-value is specially high in consequence of the property being put to a use which is unlawful or contrary to public policy, that use shall be disregarded and the market-value shall be deemed to be the market-value of the land or building if put to ordinary uses ;

(*iii*) if the market-value has been increased by means of any improvement made by the owner or his predecessor in interest within two years before the aforesaid declaration was published, such increase shall be disregarded, unless it be proved that the improvement was made *bonâ fide* and not in contemplation of proceedings for the acquisition of the land or building being taken under the said Land Acquisition Act;

(*c*) the market-value of any land (other than land in a *bustee*) or any building to be acquired shall, until the contrary is shown, be presumed, for the purposes of the said clause *first* of sub-section (*1*) of section 23, to be twenty-five times the annual value of the property as entered in the assessment-book.

Vesting in Corporation of land and buildings acquired under the Land Acquisition Act, 1894.

467. On payment by the Corporation of the compensation awarded under the said Land Acquisition Act, 1894, in respect of any land or buildings and of any other charges incurred in acquiring the said land or buildings, the same shall vest in the Corporation. [*Cf.* 1899, s. 558.] I of 1894.

PART VII.

CHAPTER XXXIV.

BY-LAWS AND RULES.

Power to Corporation to make by-laws.

468. The Corporation may make by-laws generally for carrying out the provisions and intentions of this Act; and in particular, and without prejudice to the generality of the foregoing power, they may make by-laws— [*Cf.* 1899, s. 559.]

(*1*) for the subdivision, amalgamation and renewal of municipal debentures issued under chapter VIII;

(*2*) regulating— [*Cf.* 1899, s. 559, cl. (*3*).]

(*a*) the detention and examination of petroleum introduced into Calcutta for consumption therein;

(*b*) the collection of any tax imposed under section 184, sub-section (*3*); and

(*c*) such other matters connected with the introduction of petroleum into Calcutta for consumption therein as the Corporation may from time to time think fit to regulate:

Provided that no such by-law shall render petroleum, passing through Calcutta in transit for any place beyond Calcutta, liable to taxation or to any detention or examination whatsoever under this Act;

(*3*) prescribing the duties of owners and drivers of carts, the length of the nave and the minimum width of the tyres of carts, and the maximum load which they shall be permitted to carry; [*Cf.* 1899, s. 559, cl. (*51*).]

(*4*) prescribing the procedure to be followed by owners or occupiers desiring a water-supply; [1899, s. 559, cl. (*4*).]

(*5*) prescribing a schedule of charges for water supplied for other than domestic purposes: [1899, s. 559, cl. (*5*).]

(*6*) regulating the testing of the purity of filtered water supplied under Chapter XVII; [*Cf.* 1899, s. 559, cl. (*6*).]

(*7*) providing for the maintenance of a map of the water-supply system and facilitating the inspection of the same by ratepayers; [1899, s. 559, cl. (*7*).]

(*8*) regarding— [*Cf.* 1899, s. 559, cl. (*8*).]

(*i*) the construction and maintenance of water-pipes, taps and fittings, and

(*ii*) all matters and things connected with the supply and use of water, the use and control of meters, the control of the water-supply and the administration of chapter XVII;

(*9*) specifying the manner in which house-drains and privies are to be connected with the municipal drains; [1899, s. 559, cl. (*9*).]

(*Part VII.—Chapter XXXIV.—By-laws and rules.—Clause 468.*)

(*10*) prescribing the procedure to be followed by owners and occupiers of premises in connecting house-drains and privies with the municipal drains; [1899, s. 559 cl. (*10*).]

(*11*) regulating the construction, maintenance, control and cleansing of drains, ventilation-shafts or pipes, cesspools, house-gullies, privies, urinals, bathing and washing places and drainage works of every description, whether belonging to the Corporation or not; [*Cf.* 1899, s. 559, cl. (*12*).]

(*12*) providing for the maintenance of a map of the sewerage system, and facilitating the inspection of the same by ratepayers; [1899, s. 559, cl. (*13*).]

(*13*) prescribing the qualifications to be required from, and regulating the appointment, suspension, and dismissal of, licensed plumbers; [*Cf.* 1899, s. 559, cl. (*14*).]

(*14*) for the alteration of doors, gates, bars and windows opening outwards on a public street; [1899, s. 559, cl (*15*).]

(*15*) for the provision, maintenance, and lighting of hoardings or fences in public streets when building work is carried on; [*Cf.* 1899, s. 559, cl. (*16*).]

(*16*) regulating the making of holes in a public street; [*Cf.* 1899, s. 559, cl. (*17*).]

(*17*) prohibiting or regulating the placing of obstructions, projections or encroachments, or the depositing of materials or goods, in a public street or in or over any drain or aqueduct in a public street or on any land vested in the Corporation; [1899, s. 559, cl. (*18*).]

(*18*) regulating the posting of advertisements in or adjacent to public streets or other public places;

(*19*) for the provision and maintenance of gutters and pipes for carrying and discharging water from buildings in a public street; [1899, s. 559, cl. (*19*).]

(*20*) regulating the construction of approach roads crossing the footpath of a public street; [1899, s. 559, cl. (*20*).]

(*21*) regulating the construction of verandahs and other structures in streets;

(*22*) for altering the position of pipes and appliances laid in streets; [1899, s. 559, cl. (*21*).]

(*23*) regulating all matters relating to the fittings, width and construction of streets; [*Cf.* 1899, s. 559, cl. (*22*).]

(*24*) regulating the use of land as sites for the erection of buildings; [1899, s. 559, cl. (*23*).]

(*25*) regulating the erection of new buildings; [*Cf.* 1899, s. 559, cl. (*24*).]

(*26*) regulating the making of alterations in, and additions to, buildings; [1899, s. 559, cl. (*25*).]

(*27*) providing for the protection of lamps, lights, gas-pipes, electric wires and all other appurtenances necessary for the lighting of public streets and municipal markets and buildings; and regulating the manner in which gas-pipes or electric wires shall be laid and existing gas-pipes or electric wires altered; [*See* 1899, ss. 423 to 426.]

Part VII.—Chapter XXXIV.—By-laws and rules.—Clause 468.)

(*28*) providing for and regulating the collection, removal and disposal of all offensive matter and sewage accumulating in Calcutta, and the efficient daily cleansing and scavenging of all streets and premises; [*See* 1899, ss. 432, 434 and 436.]

(*29*) for the regulation and control of public bathing and washing places and places constructed under section 371, the management and maintenance of public swimming-baths, the imposition of fees for the use of such baths and the control of persons resorting to such washing places and baths; [*See* 1899, ss. 460 to 462, 474 and 559 (*31*).]

(*30*) for the construction, management and maintenance of public wash-houses, for the regulation and control of such public wash-houses and other places for the use of washermen in the exercise of their calling, for the imposition of fees for the use of such wash-houses or places, for the control of persons carrying on business therein or resorting thereto, and for the prohibition of the use of unauthorized places for such purposes; [*See* 1899, ss. 475 and 476.]

(*31*) prohibiting the fouling of any tank, reservoir, stream, well or ditch in Calcutta or of any source from which the public water-supply is drawn; [*See* 1899, ss. 461 and 462.]

(*32*) regulating the keeping, feeding and destruction of any animal, and the disposal of its carcass, and prescribing the fees payable to the Corporation for such disposal; [*See* 1899, ss. 453, 454 and 458.]

(*33*) specifying the manner in which stables, cattle-sheds and cow-houses are to be constructed, altered, paved, repaired, maintained and inspected, and the means whereby they are to be connected with the municipal drains; [*Cf.* 1899, s. 559, cl. (*26*), and ss. 456 and 457.]

(*34*) providing for the inspection, keeping and removal of milch-cattle, and prescribing and regulating the ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller; [*Cf.* 1899, s. 559, cl. (*27*), and s. 455.]

(*35*) for enforcing the cleanliness of milk-stores and milk-shops and milk-vessels used for containing milk; [1899, s. 559, cl. (*28*).]

(*36*) requiring notice to be given whenever any milch-animal is affected with any contagious disease, and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination; [1899, s. 559, cl. (*29*).]

(*37*) for the regulation of lodging-houses; [1899, s. 559, cl (*53*).]

(*38*) regulating the removal and disposal of rank or noxious vegetation; [*Cf.* 1899 s 559, cl (*54*).]

(*39*) for the inspection, supervision, regulation, and control of eating-houses and places where food is prepared for human consumption;

(Part VII.—Chapter XXXIV.—By-laws and rules.—Clause 468.)

(*40*) for the regulation, inspection by day or by night, supervision and control of all factories, bakehouses, work-shops, work-places and premises used for any of the purposes referred to or mentioned in section 380, and of all trades and manufactures carried on therein, and for the cleanliness or ventilation of the same, or the health or safety of the persons employed therein; [*Cf.* 1899, s. 559, cl. (*30*), and ss. 464 (*1*), 465, 466 (*2*), and 473.]

(*41*) regulating the inspection, supervision and control of theatres and other places of public resort, recreation or amusement, and prescribing the terms and conditions subject to which licenses may be granted for keeping open such places; [*Cf.* 1899, s. 559, cl. (*32*).]

(*42*) for the licensing and control of persons in charge of cinematograph lanterns or any other apparatus (in use in theatres or other places of public resort, recreation or amusement) which, in the opinion of the Corporation, are likely to be dangerous to human life;

(*43*) for securing the efficient inspection of markets, slaughter-houses and places set apart under proviso (*iii*) to section 391; [1899, s. 559, cl. (*32*).]

(*44*) regulating the management of, and the conduct of business in, markets; [1899, s. 559, cl. (*33*).]

(*45*) regulating the use of any municipal market, municipal slaughter-house, municipal stock-yard, or any part thereof, or any place set apart under proviso (*iii*) to section 391; [*Cf.* 1899, s. 559, cl. (*34*).]

(*46*) providing for a sufficient supply of water to or in, and for the proper cleansing, general control and regulation of the sanitary condition of, markets, slaughter-houses, stock-yards and places set apart under proviso (*iii*) to section 391, and preventing the exercise of cruelty and the occurrence of nuisances or obstruction therein; [*Cf.* 1899, s. 559, cl. (*35*), and s. 188.]

(*47*) for preventing persons suffering from any loathsome disease from keeping stalls in, or being employed in preparing or selling articles of food in, any market or from entering any municipal market or touching any article brought thereto for sale, and for authorizing the expulsion of such persons from any municipal market; [1899, s. 559, cl. (*36*).]

(*48*) for preventing persons suffering from any infectious or contagious disease living in places where food or drugs are sold, stored or prepared, and for disinfecting the place where any such case has occurred, and generally for the restraint of infection in such places; [*Cf.* 1899, s. 559, cl. (*37*).]

(*49*) for preventing the use in any municipal market of false or incorrect weights, scales or measures; [*Cf.* 1899, s. 559, cl. (*38*).]

(*50*) for publishing a price-current in any market; [*Cf.* 1899, s. 559, cl (*39*).]

(*51*) for the control and supervision of butchers carrying on business in Calcutta or at any municipal slaughter-house without Calcutta; [1899, s. 559, cl. (*40*).]

(*Part VII.—Chapter XXXIV.—By-laws and rules.—Clauses 469, 470.*)

(*52*) for securing the efficient inspection and sanitary regulation of shops in which food or drugs are kept or sold; [*Cf.* 1899, s. 559, cl. (*41*).]

(*53*) prescribing and regulating the functions and duties of registrars and sub-registrars of births and deaths and of keepers of burial and burning grounds and other places for the disposal of the dead, and for regulating and ensuring the correct and prompt registration of all births and deaths; [*See* 1899, ss. 527, 529(*2*), 530, 535, 537 and 544.]

(*54*) regulating the speedy disposal of corpses; [1899, s. 559, cl. (*42*).]

(*55*) regulating the carrying of corpses along streets; [1899, s. 559, cl. (*43*).]

(*56*) regulating the removal of corpses or parts of corpses which have been kept or used for purposes of dissection; [1899, s. 559, cl. (*44*).]

(*57*) regulating the digging and making of graves and vaults; [1899, s. 559, cl. (*45*).]

(*58*) regulating the re-opening of graves and vaults for purposes of fresh interments; [1899, s. 559, cl. (*46*).]

(*59*) regulating cremation; [1899, s. 559, cl. (*47*).]

(*60*) generally, for regulating the disposal of the dead, the inspection of all places for the disposal of the dead, and the maintenance of all such places in good order and in a safe and sanitary condition; [1899, s. 559, cl. (*48*).]

(*61*) regulating and facilitating the taking of a census of the population of Calcutta, and securing accurate returns thereof, and prescribing the duties of the Superintendent referred to in section 457; [*Cf.* 1899, s. 559, cl. (*49*), and ss. 549, 550 (*3*), 552 and 553.]

(*62*) for securing the registration of marriages; and [1899, s. 559, cl. (*50*).]

(*63*) regulating the printing and sale of by-laws and rules made under this Act, and providing for the exhibition thereof in suitable places. [*See* 1899, ss. 571 and 572.]

Provisions as to the application of certain by-laws.

469. (*1*) There shall be annexed to by-laws made under clauses (*9*), (*11*) or (*33*) of section 468, type-plans of all constructions referred to in them and the said plans shall be open to the inspection of any applicant at the municipal office, at all reasonable times. [*Cf* 1899, s. 560.]

(*2*) No by-law made under clause (*40*) of section 468 shall—

(*a*) affect the Bengal Steam-boilers and Prime-movers Act, 1879, or Ben. Act III of 1879.

(*b*) apply to any factory to which the Indian Factories Act, 1911, is applicable. XII of 1911.

Penalties for breach of by-laws.

470. In making a by-law under section 468, the Corporation may provide that a breach of it shall be punishable— [*Cf.* 1899, s. 561.]

(*a*) with fine which may extend to fifty rupees, and in the case of a continuing breach, with fine which may extend to twenty rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of written notice from the Corporation to discontinue the breach.

Conditions precedent to the making of by-laws.

471. The power to make by-laws under this Act is subject to the condition of the by-laws being made after previous publication, and to the following further conditions, namely,— [*Cf.* 1899, s. 565.]

(*a*) a draft of the by-laws shall be published in the *Calcutta Gazette* and in local newspapers;

(*b*) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication or such longer period as the Corporation may appoint;

(*c*) for not less than one month during such period, a printed copy of such draft shall be kept at the municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge; and

(*d*) printed copies of such draft shall be obtainable by any person requiring the same, on payment of such fee, not exceeding two annas for each copy, as may be prescribed by the Corporation.

By-laws to be subject to sanction of Local Government.

472. (*1*) No by-law made by the Corporation under this Act shall have any validity unless and until it is sanctioned by the Local Government. [*Cf.* 1899, s. 566.]

(*2*) Before sanctioning any such by-law, the Local Government may modify it.

Power to Local Government to make rules for the amendment of certain Schedules.

473. (*1*) The Local Government may by rules alter, add to or cancel any part of, or any rule contained in, any Schedule except Schedules I and VI. [*Cf.* 1899, s 567.]

(*2*) All references in this Act to any Schedule which may be amended under sub-section (*1*) shall be construed as references to such Schedule as for the time being so amended.

Conditions precedent to the making of rules.

474. (*1*) The power to make rules under any section (other than section 291 and section 440) of this Act is subject to the condition of the rules being made after previous publication. [*Cf.* 1899, s. 568.]

(*2*) The power of the Local Government to make rules under section 22, sub-section (*2*), section 27, sub-sections (*1*) and (*2*), or section 473, sub-section (*1*), is also subject to the following further conditions, namely,—

(*a*) a draft of the rules shall be published in the *Calcutta Gazette* and forwarded to the Corporation for their opinion;

(*b*) such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Local Government may appoint.

(Part VII.—Chapter XXXIV.—By-laws and rules.—Clauses 475-477.)

Certain rules to be subject to sanction.

475. (*1*) No rule made under section 66, section 82, sub-section (*9*), section 83, sub-section (*3*), or clause (*b*) of section 521 shall have any validity unless and until it is sanctioned by the Local Government. [*Cf.* 1899, s. 569.]

(*2*) Before sanctioning any such rule, the Local Government may modify it.

Publication of by-laws and rules in Gazette, and effect of such publication.

476. All by-laws and rules made and (where sanction is required) duly sanctioned under this Act shall be published in the *Calcutta Gazette*, and shall thereupon have effect as if enacted in this Act. [*Cf.* 1899, s. 570.]

Power to Local Government to cancel by-laws and rules.

477. (*1*) If the Local Government are at any time of opinion that any by-law or rule made under this Act by the Corporation should be cancelled, either wholly or in part, they shall cause the reasons for such opinion to be communicated to the Corporation, and shall prescribe a reasonable period within which the Corporation may make any representation with regard thereto which they may think fit. [*Cf.* 1899, s. 573.]

(*2*) After receipt and consideration of any such representation, or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Local Government may at any time, by notification in the *Calcutta Gazette*, cancel such by-law or rule, either wholly or in part:

Provided that no by-law or rule shall be cancelled in part only if, within the period aforesaid, the Corporation have objected to a partial cancellation thereof.

(*3*) The cancellation of a by-law or rule under sub-section (*2*) shall take effect from such date as the Local Government may in the said notification direct, or, if no such date is specified, then from the date of the publication of the said notification in the *Calcutta Gazette*, except as to anything done or suffered or omitted to be done before such date.

(*4*) The said notification shall also be published in local newspapers.

PART VIII.

CHAPTER XXXV.

PENALTIES.

Certain offences punishable with fine.

478. (*1*) Whoever commits any offence by— [*Cf.* 1899, ss. 574 and 575.]

(*a*) contravening any provision of any of the sections, sub-sections, clauses of sections, provisoes or rules of this Act mentioned in the first column of the following table, or

(*b*) contravening any provision of any rule made under any of the said sections, sub-sections, clauses, or provisoes, or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisoes or rules,

shall be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

(*2*) Whoever, after having been convicted of any offence referred to in clauses (*a*), (*b*) or (*c*) of sub-section (*1*), continues to commit such offence shall be punished, for each day after the first during which he continues so to offend, with fine which may extend to the amount mentioned in this behalf in the fourth column of the said table.

Explanation.—The entries in the second column of the following table, headed "Subject", are not intended as definitions of the offences described in the provisions mentioned in the first column, or even as abstracts of those provisions but are inserted merely as references to the subject thereof :—

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 125, sub-section (*2*).	Requisition by auditors to produce documents, to appear in person, or to make and sign declaration, to answer question or to submit statement.	One hundred rupees	Seventy rupees.
Section 139, sub-sections (*1*) and (*2*).	Requisition for returns of measurements and rent or annual value of land or building.	Two hundred rupees.	
Section 148 ...	Obligation to give notice of transfer of title in land or building.	Fifty rupees ...	Ten rupees.
Section 158 ...	Obligation to give notice of re-occupation of unoccupied land or building.	Fifty rupees ...	Ten rupees.
Section 170, sub-sections (*1*) and (*2*).	Obligation to forward statement of carriages and animals liable to taxation.	Twenty rupees.	

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 171 ...	Requisition on occupier to forward statement of carriages and animals liable to taxation, and names and addresses of persons owning or keeping same.	Twenty rupees.	
Section 174 ...	Requisition on livery stable-keeper to produce books and accounts for inspection.	One hundred rupees	Twenty rupees.
Section 176, sub-sections (3) and (4)	Obligation to forward list of dogs liable to taxation.	Twenty rupees.	
Section 181 ...	Requisition on owner or occupier to forward list of persons carrying on profession, trade or calling in his premises.	One hundred rupees	Twenty rupees.
Section 184, sub-section (2).	Prohibition of introduction of petroleum into Calcutta for storage.	One thousand rupees.	
Section 186, sub-section (3).	Keeping or possessing cart not duly registered.	Three times the amount payable for registration, exclusive of the amount so payable.	
Section 186, sub-section (4).	Failing to affix registration number to cart.	Five rupees.	
Section 222, sub-section (2).	Improper use of filtered water supplied for domestic purposes.	Ten rupees ...	Five rupees.
Section 223, sub-section (3).	Use of unfiltered water for domestic purposes.	Five rupees.	
Section 230 ...	Requisition on owner to obtain adequate supply of water from nearest main for his building.	Fifty rupees ...	Ten rupees.
Section 245, sub-section (2).	Unauthorizedly taking water for use without Calcutta.	Fifty rupees.	
Section 249 ...	Requisition to fill up well	Twenty-five rupees	Five rupees.
Section 256, sub-section (1).	Constructing railway, private street, wall or other structure over municipal drain.	One hundred rupees	Ten rupees.
Section 260, sub-section (1).	Unlawfully connecting house-drain with municipal drain.	One hundred rupees	Ten rupees.
Section 261 ...	Requisition on owner of premises to connect his house-drain with a drain in private street.	Fifty rupees ...	Five rupees.
Section 263 ...	Requisition on owner of premises to make house-drain and provide appliances or fittings, or to remove house-drain, etc.	Fifty rupees ...	Five rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 264 ...	Requisition on owner of premises to make house-drain communicating with nearest municipal drain or closed cess-pool.	Fifty rupees ...	Five rupees.
Section 265 ...	Direction to owner of premises as to closing or limiting the use of house-drain.	Fifty rupees ...	Five rupees.
Section 266, sub-tion (*1*).	Requisition to construct house-drain ...	Fifty rupees ...	Five rupees.
Section 267 ...	Requisition on owner of courtyard, alley or passage to pave, repair and raise level of same.	Fifty rupees ...	Five rupees.
Section 268, sub-section (*2*).	Requisition on owner of land to construct new drain for benefit of occupants of hut ; and failure to maintain, etc., such drain.	Fifty rupees ...	Five rupees.
Section 269 ...	Construction, maintenance and regulation of drains.	Two hundred rupees	Twenty rupees.
Section 271, sub-section (*2*).	Keeping a public privy or urinal without license or suffering a licensed public privy or urinal to be in a filthy or noxious state.	One hundred rupees	Fifty rupees.
Section 272, sub-section (*1*).	Provision of privy and urinal or bathing or washing place, for building.	One hundred rupees.	
Section 273, sub-section (*1*).	Requisition on owner of premises to provide or alter privy or urinal, or bathing or washing place for or in premises.	Fifty rupees ...	Five rupees.
Section 274 ...	Requisition on owner to provide privies and urinals for premises used by large numbers of people.	Two hundred rupees	Twenty rupees.
Section 275 ...	Construction, maintenance and regulation of privies, urinals and appurtenances thereof in accordance with rules.	Two hundred rupees	Twenty rupees.
Section 280, sub-section (*1*).	Requisition on owner of premises to close, remove, renew or take other order with house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal.	Fifty rupees ...	Five rupees.
Section 281, sub-section (*1*).	Position of cesspools	One hundred rupees.	
Section 281, sub-section (*2*).	Requisition to remove or fill up cess-pools.	One hundred rupees	Twenty rupees.
Section 282, sub-section (*1*).	Construction of house-drain, service privy, etc., within fifty feet of tank, well, etc.	Twenty rupees.	
Section 282, sub-section (*2*).	Requisition on owner of land to remove receptacle for sewage or offensive matter.	Twenty rupees ...	Five rupees.
Section 286, clause (*b*).	Requisition on owner of premises to alter, pave, repair, etc., house-drain, cesspool, privy or urinal.	One hundred rupees	Twenty rupees.
Section 287 ...	Requisition on occupier of premises to carry out work which owner may be required to carry out.	The amount which may be levied as fine on the owner in each case.	The amount which may be levied as daily fine on the owner in each case.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 289 ...	Prohibition of certain acts in connection with drainage, etc.	One hundred rupees	Twenty rupees.
Section 293, sub-section (*1*).	Prohibition of execution of certain work by persons other than licensed plumbers.	Two hundred and fifty rupees.	
Section 293, sub-section (*2*).	Prohibition of owner or occupier of premises causing or allowing certain work to be executed by persons other than licensed plumbers.	Fifty rupees.	
Section 294, sub-section (*2*).	Prohibition of licensed plumber demanding or receiving more than prescribed charge.	Twenty rupees.	
Section 296, sub-section (*1*).	Prohibition of licensed plumber infringing rules, executing work carelessly or negligently, or using bad materials, appliances or fittings.	Fifty rupees.	
Section 301, sub-section (*1*).	Requisition on owner or occupier of building to remove or alter fixture or portion of building.	Two hundred rupees	Twenty rupees.
Section 304, sub-section (*1*).	(*i*) Prohibition of erection of, or addition to, building or wall within street alignment prescribed under section 303.	Five hundred rupees	Fifty rupees.
	(*ii*) Requisition to remove building erected or added within street alignment prescribed under section 303.	Fifty rupees ...	Ten rupees.
Section 304, sub-section (*3*).	Prohibition of erection of, or addition to, building between street alignment and building-line prescribed under section 303.	Five hundred rupees	Fifty rupees.
Section 304, sub-section (*4*).	Requisition to remove building erected or added between street alignment and building-line prescribed under section 303.	Fifty rupees ...	Ten rupees.
Section 310 ...	(*i*) Prohibition of erection of, or addition to, building or wall within street alignment of a street projected under section 303.	Five hundred rupees.	Fifty rupees.
	(*ii*) Requisition to remove building erected or added to on site between street alignment and building-line of a street projected under section 303.	Fifty rupees ...	Ten rupees.
Section 315, sub-section (*2*), proviso second.	Requisition to widen private street to full width.	Two hundred and fifty rupees.	Fifty rupees.
Section 316 ...	Unlawfully making or laying out a private street.	Five hundred rupees	Fifty rupees.
Section 318, sub-section (*1*).	Requisition on owner of private street or owner or occupier of adjoining land to level, etc., such street.	One hundred rupees	Ten rupees.
Section 325, sub-section (*6*).	Erection of new building in contravention of declaration by the Corporation.	Two hundred rupees.	

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 326 ...	Prohibition of erection of building without permission or so as to deprive another building of proper means of access.	Two hundred rupees	Fifty rupees.
Section 327 ...	Requisition upon owner of public building to bring same into conformity with the provisions of the Act relating to new public buildings.	Five hundred rupees	One hundred rupees.
Section 328, sub-section (*1*).	Change in use of building without special permission.	Two hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.	Fifty rupees in the case of a masonry building, and ten rupees in the case of a hut.
Section 328, sub-section (*2*), proviso.	Requisition to close shop	Fifty rupees ...	Twenty rupees.
Section 335 ...	Erecting or adding to hut in a *bustee* before preparation of plan by owner and approval of same.	Fifty rupees.	
Section 336 ...	Erecting or adding to hut in a *bustee* contrary to standard plan.	Fifty rupees.	
Section 337, sub-section (*1*).	Requisition on owner to remove hut in *bustee* not in conformity with standard plan.	Fifty rupees ...	Twenty rupees.
Section 338, sub-section (*1*).	Requisition on owner of *bustee* to construct drains, etc., and to fill up, etc., tanks, wells, etc., in accordance with standard plan.	Two hundred rupees	Twenty rupees.
Section 341 ...	Requisition on owners or occupiers to carry out in *bustee* improvements indicated in Schedule A annexed to report under section 339.	Two hundred rupees	Twenty rupees.
Section 349, sub-section (*2*).	Failure to keep open private street in *bustee* for scavenging and other purposes and for use of tenants.	Fifty rupees ...	Ten rupees.
Section 350 ...	Failure to keep open bathing and privy accommodation in *bustee* for use of tenants.	Fifty rupees ...	Ten rupees.
Section 351, sub-section (*2*).	Requisition on owner to maintain in proper order streets, drains, etc., in *bustee*, according to standard plan.	Two hundred rupees	Twenty rupees.
Section 354, sub-section (*5*).	Requisition on owner applying to re-erect huts to carry out improvements before re-erecting such huts.	One hundred rupees	Ten rupees.
Section 355, sub-section (*4*).	Erection of hut or portion of hut within alignment prescribed for private streets in *bustee* or other area.	One hundred rupees.	
Section 356 ...	Requisition on owners or occupiers to remove huts.	Fifty rupees ...	Ten rupees.
Section 357 ...	Requisition on person erecting masonry building in *bustee* to leave space of twenty feet from centre line of street.	One hundred rupees	Twenty rupees.
Section 358 ...	Requisition on occupiers to cleanse *bustee*.	One hundred rupees	Ten rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 360, clause (*i*).	Direction to alter or demolish work or structures.	Five hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.	One hundred rupees in the case of a masonry building, and ten rupees in the case of a hut.
Section 361, clause (*a*).	Direction to alter or demolish certain structures.	One hundred rupees	Fifty rupees.
Section 362, sub-section (*1*).	Requisition on person carrying on work unlawfully to stop work pending decision of Magistrate.	Five hundred rupees	One hundred rupees.
Section 364, sub-section (*1*).	Constructing private street, building, wall or other structure over municipal gas-pipe.	One hundred rupees	Twenty rupees.
Section 365, sub-section (*2*).	Provision of land in *bustee* when required for deposit or disposal of rubbish, etc.	Ten rupees ...	Three rupees.
Section 366, sub-section (*1*).	Direction to collect rubbish and offensive matter and deposit it at or near entrance to premises.	Ten rupees.	
Section 366, sub-section (*2*).	Direction to collect rubbish and offensive matter and deposit it in public receptacle.	Ten rupees.	
Section 366, sub-section (*3*).	Direction to collect rubbish and offensive matter and deposit it in lump in street or premises.	Ten rupees.	
Section 367 ...	Direction to collect and remove rubbish and offensive matter accumulating on business premises or on premises in which building work is going on.	Ten rupees.	
Section 371, clause (*b*).	Prohibition of use by the public for bathing, etc., of any place, not constructed therefor.	Ten rupees.	
Section 375, sub-section (*3*).	Using building declared unfit for human habitation.	Five hundred rupees	One hundred rupees.
Section 376, sub-section (*2*).	Requisition on owner or occupier to demolish building declared unfit for human habitation.	Five hundred rupees	One hundred rupees.
Section 377 ...	Requisition on owner or occupier to furnish statement of occupants, accommodation, etc., of building.	Twenty-five rupees	Five rupees
Section 378, sub-section (*1*).	Requisition on owner to abate overcrowding in building or room.	Twenty-five rupees	Five rupees.
Section 378, sub-section (*4*).	Requisition on inmate to vacate overcrowded building or room.	Twenty rupees ...	Five rupees.
Section 379, sub-section (*1*).	Establishing, or materially altering, enlarging or extending, factory, etc., without permission.	One thousand rupees	Two hundred rupees.
Section 380, sub-section (*1*).	Using premises for certain trades, etc., without license or contrary to terms of license.	Five hundred rupees	One hundred rupees.
Section 381, sub-section (*5*).	Using premises in declared area for any purpose referred to or mentioned in section 380.	Fifty rupees ..	Five rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 382, sub-section (*1*).	Requisition on occupier to discontinue use of premises for certain trades near dwelling-houses.	Two hundred rupees	Fifty rupees.
Section 383 ...	Failure to comply with direction of Magistrate in regard to use of premises proved to be a nuisance.	Five hundred rupees	One hundred rupees.
Section 384, sub-section (*1*).	Fouling water in carrying on trade or manufacture.	One thousand rupees	Two hundred rupees.
Section 386 ...	Keeping open theatre or other place of public amusement without license or contrary to terms of license.	Five hundred rupees	One hundred rupees.
Section 389, sub-section (*1*).	Sale in municipal market without license	Fifty rupees.	
Section 390, sub-section (*2*).	Establishing new private market without sanction of Corporation.	One thousand rupees.	
Section 391, sub-section (*1*).	Keeping open, etc., private market, permitting any place to be used as private market, or using place as slaughter-house or stock-yard without license, or contrary to terms of license.	Two hundred rupees	Twenty-five rupees.
Section 393 ...	Using as market a place which Magistrate has directed to be closed.	One hundred rupees	Twenty rupees.
Section 394 ...	Requisition to pave and drain private market, *bazar*, private slaughter-house or place set apart for sacrifice of animals.	Fifty rupees ...	Ten rupees.
Section 395, sub-sections (*1*) and (*2*).	Requisition on owner or occupier of private market or *bazar* to lay out, alter, etc., approaches, roads, passages and ways, and to provide conveniences for, and maintain, the same.	Fifty rupees ...	Ten rupees.
Section 399, sub-section (*1*).	Carrying on trade of butcher or selling animals, meat or fish outside market without license.	One hundred rupees	Ten rupees.
Section 400, sub-section (*1*).	Sale, etc., of adulterated food or drug ...	Two hundred rupees.	
Section 401, sub-section (*1*).	Sale, etc., of milk, butter, *ghee*, wheat flour, mustard oil or notified article, which is not of the prescribed quality.	Two hundred rupees.	
Section 401, sub-section (*2*).	Sale, etc., of articles similar to milk, butter, *ghee*, etc.	One hundred rupees.	
Section 402, sub-section (*1*).	Keeping or permitting to be kept substance intended to be used for adulteration of milk, butter, *ghee*, wheat flour, mustard oil, etc.	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.	
Section 403 ...	Sale of tin or other receptacle containing separated or skimmed condensed milk, not properly labelled.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.	
Section 404, sub-section (*1*)	Sale of diseased or unwholesome animal or article intended for human food.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.	

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 405, sub-section (*1*).	Keeping shop or place for retail sale of drugs without a license.	One hundred rupees	Twenty rupees.
Section 405, sub-section (*2*).	Display of license in premises ...	Fifty rupees ...	Ten rupees.
Section 407, sub-section (*1*).	Compounding, etc., drugs in licensed shop or place without certificate or permission.	Fifty rupees.	
Section 407, sub-section (*2*).	Employing unauthorized person to compound, etc., drugs in licensed shop or place.	Two hundred rupees.	
Section 411, sub-section (*3*).	Removing, interfering or tampering with animal, food, drug, etc., seized and left in custody.	Two hundred rupees.	
Section 416, sub-sections (*1*), (*2*) and (*3*).	Refusal to sell or surrender articles of food or drug required for purposes of analysis.	Two hundred rupees.	
Section 420 ...	Sale of milk without license ...	Fifty rupees ...	Ten rupees.
Section 423 ...	Requisition to furnish a list of dairies from which the licensees' supply of milk is obtained.	Fifty rupees ...	Five rupees.
Section 424, sub-section (*5*).	Sale or supply of prohibited Milk ...	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.	
Section 426 ...	Information of existence of dangerous disease.	Fifty rupees.	
Section 428 ...	Medical practitioners to give information of existence of dangerous disease.	Fifty rupees.	
Section 430, sub-section (*2*).	Removing or using, for the purpose of drinking or of washing clothes, water which is likely to engender or spread a dangerous disease.	Two hundred rupees	Twenty rupees.
Section 431, sub-section (*3*)	Removal to hospital of patient suffering from dangerous disease.	One hundred rupees.	
Section 432, sub-section (*1*).	Requisition on occupier to vacate building or part thereof, to admit of disinfection.	Fifty rupees ...	Ten rupees.
Section 434 ...	Letting infected building	Five hundred rupees.	
Section 435, sub-section (*2*).	Washing infected article at unauthorized place.	One hundred rupees.	
Section 435, sub-section (*3*).	Direction to disinfect or destroy articles likely to retain infection.	One hundred rupees.	
Section 436, sub-section (*1*).	Transmitting, etc., infected article ...	Two hundred rupees.	
Section 437, sub-section (*1*).	Infected person entering or causing or permitting himself to be carried in public conveyance.	Fifty rupees.	
Section 437, sub-sections (*3*) and (*4*).	Accompanying or carrying infected person in public conveyance.	Two hundred rupees.	

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 438, sub-section (*1*).	Taking public conveyance to appointed place for disinfection.	Two hundred rupees.	
Section 438, sub-section (*2*).	Intimation of number, and disinfection of infected conveyance.	Two hundred rupees.	
Section 438, sub-section (*3*).	Using infected public conveyance ...	Five hundred rupees.	
Section 439, sub-section (*2*).	Carrying infected persons in other than special conveyances, without sanction of Health Officer.	Two hundred rupees.	
Section 444 ...	Information of birth	Ten rupees.	
Section 445 ...	Information of death	Ten rupees.	
Section 446 ...	Notice by medical practitioner to Health Officer, stating cause of death.	Fifty rupees.	
Section 448 ...	Burying, burning or otherwise disposing of corpse without certificate.	One hundred rupees.	
Section 450 ...	Registration of place for disposal of the dead, and depositing of plan in municipal office.	One hundred rupees.	
Section 452 ...	Opening or using place for disposal of the dead without permission.	Five hundred rupees.	
Section 453, sub-section (*2*).	Prohibition of use of place of public worship, etc., for disposal of the dead.	Five hundred rupees.	
Section 455, sub-section (*1*).	Making vault, grave or interment, or disposing of corpse, or exhuming corpse, in certain cases, without permission.	Five hundred rupees.	
Section 460, sub-section (*1*).	Certain persons to act as census enumerators, and to obey instructions of Superintendent.	One hundred rupees.	
Section 488, sub-section (*5*).	Production of license or written permission.	Fifty rupees ...	Ten rupees
Section 499 ...	Obstructing Executive Officer or other person in entering into or upon premises.	Two hundred rupees for a first offence and five hundred rupees for any subsequent offence.	
Section 517, sub-section (*3*).	Occupier to afford facilities to owner for complying with Act, rules, by-laws and *requisitions*.	Fifty rupees ...	Twenty rupees.
Section 538, clause (*a*).	*Direction to owner of building to demolish the same.*	*Five hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.*	*One hundred rupees in the case of a masonry building, and ten rupees in the case of a hut.*
Schedule XIII, rule 1, sub-rule (*2*).	Requisition on owner to lay down separate service-pipe from main for supply of water to his premises.	Fifty rupees ...	Ten rupees.
Schedule XIII, rule 2, sub-rule (*1*).	Obligation on owner to provide separate stop-cocks for controlling supply of unfiltered water.	Fifty rupees ...	Ten rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Schedule XIII, rule 3.	Requisition on owner to fix outer stop-cock so as always to be accessible from nearest street.	Fifty rupees ...	Ten rupees.
Schedule XIII, rule 5, sub-rule (*3*).	Executing works for supply of water otherwise than in presence of authorized municipal officer.	One hundred rupees.	
Schedule XIII, rule 7, sub-rule (*1*).	Requisition on owner or occupier of premises to replace or alter fittings for supply of water.	Fifty rupees ...	Five rupees.
Schedule XIII, rule 12.	Fraud in respect of meter	One hundred rupees.	
Schedule XIII, rule 13.	Injuring meter or fittings thereof ...	One hundred rupees.	
Schedule XIV, rule 14, sub-rule (*2*).	Requisition on owner or occupier of premises to repair, flush, cleanse, etc., or take other order with house-drain.	Fifty rupees ...	Five rupees.
Schedule XIV, rule 15, sub-rule (*2*).	Requisition on owner or owners of premises to repair, flush, cleanse or empty joint house-drain.	Fifty rupees ...	Five rupees.
Schedule XIV, rule 16, sub-rule (*1*).	Requisition on person laying private underground drain to alter or add to the work.	Fifty rupees ...	Five rupees.
Schedule XIV, rule 17.	Unlawfully constructing drain so as to pass beneath a building.	One hundred rupees.	
Schedule XIV, rule 21, sub-rule (*4*).	Attaching service-privy or service-urinal to inhabited portion of any building.	Fifty rupees ...	Five rupees.
Schedule XIV, rule 22, sub-rule (*1*).	Placing service-privy or service-urinal on upper floor.	Twenty rupees ...	Five rupees.
Schedule XIV, rule 22, sub-rule (*1*), proviso.	Requisition to pay sum for removing sewage from service-privy or service-urinal situated on upper floor.	Twenty rupees.	
Schedule XIV, rule 22, sub-rule (*2*).	Requisition to convert service-privy or service-urinal into a connected-privy or connected-urinal.	Twenty rupees ...	Five rupees.
Schedule XIV, rule 23, sub-rule (*1*).	Requisition to form a passage giving access to a privy or urinal from the street.	Twenty rupees ...	Five rupees.
Schedule XIV, rule 38.	Requisition to alter privy or urinal ...	Twenty rupees ...	Five rupees.
Schedule XV, rule 1, sub-rule (*2*).	Requisition to trim, prune or cut hedges and trees.	Twenty rupees ...	Five rupees.
Schedule XV, rule 2, sub-rule (*1*).	Erection of verandah supported by pillars resting on street.	Two hundred and fifty rupees.	Fifty rupees.
Schedule XV, rule 2, sub-rule (*2*).	Placing roof on certain verandahs ...	Two hundred and fifty rupees.	Fifty rupees.
Schedule XV, rule 2, sub-rule (*3*).	Putting up verandahs, etc., to project over street without permission.	Two hundred and fifty rupees.	Fifty rupees.
Schedule XV, rule 2, sub-rule (*5*).	Requisition on owner or occupier of building to comply with condition subject to which permission was given to put up verandahs, etc., projecting over street.	One hundred rupees	Twenty rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Schedule XV, rule 2, sub-rule (6).	Requisition on owner or occupier of building to remove verandahs, etc., projecting over street.	One hundred rupees	Twenty rupees.
Schedule XV, rule 3, sub-rule (1).	Erection or maintenance of sky-sign without permission.	Two hundred rupees	Fifty rupees.
Schedule XV, rule 4, sub-rule (2).	Unlawfully removing fence or shoring-timber or removing or extinguishing light.	Fifty rupees.	
Schedule XV, rule 5, sub-rule (3).	Unlawfully infringing order prohibiting traffic or removing bar, chain or post in street.	Fifty rupees.	
Schedule XV, rule 7, sub-rule (2).	Unlawfully destroying, pulling down, etc., name of public street.	Twenty rupees	
Schedule XV, rule 8, sub-rule (2).	Unlawfully destroying, pulling down, etc., number of premises.	Twenty rupees.	
Schedule XVI, rule 7, sub-rule (1).	Construction of external roofs or walls of buildings with inflammable materials.	Twenty-five rupees	Five rupees.
Schedule XVI, rule 7, sub-rule (2).	Requisition on owner of building to remove or alter external roof or wall.	Twenty-five rupees	Five rupees.
Schedule XVI, rule 19.	Sending written notice to Corporation before commencing to erect masonry building.	Fifty rupees.	
Schedule XVI, rule 20.	Sending written notice or certificate, or sending untrue certificate, to Corporation after completion of erection of masonry building.	One hundred rupees.	
Schedule XVI, rule 22, sub-rule (1).	Requisition on owner of building to make specified alterations.	Five hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.	Fifty rupees in the case of a masonry building, and ten rupees in the case of a hut.
Schedule XVI, rule 38, sub-rule (3).	Using a new building as a dwelling-house before obtaining certificate from Health Officer.	One hundred rupees	Fifty rupees.
Schedule XVI, rule 53.	Requisition on owner to provide public building with external doors or to cause such doors to open outwards.	One hundred rupees	Ten rupees.
Schedule XVI, rule 57, sub-rule (1) and sub-rule (4).	Employment of licensed building surveyor or other competent person to supervise erection of masonry building.	Two hundred rupees	Twenty rupees.
Schedule XVI, rule 64.	Erection of masonry building without written permission.	Two hundred rupees.	

(Part VIII.—Chapter XXXV.—Penalties.—Clause 478.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Schedule XVI, rule 66, sub-rule (*1*).	Erection of masonry building without fresh permission after lapse of original permission.	Two hundred rupees.	
Schedule XVI, rule 90.	Erection of hut without written permission.	Fifty rupees.	
Schedule XVI, rule 91.	Erection of hut without fresh permission after lapse of original permission.	Fifty rupees	
Schedule XVII, rule 2.	Requisition on owner or occupier to lime-wash or otherwise cleanse building.	Fifty rupees ...	Ten rupees.
Schedule XVII, rule 3.	Requisition on owner or person concerned to secure, enclose, cleanse or clear land or building which is untenanted, filthy or a nuisance.	Fifty rupees ...	Five rupees.
Schedule XVII, rule 4, sub-rule (*1*).	Requisition on owner or occupier to take down, repair or secure building or fixture in a ruinous state, etc.	Five hundred rupees	One hundred rupees.
Schedule XVII, rule 4, sub-rule (*2*).	Requisition on inmate to vacate building in ruinous state, etc.	Two hundred rupees	Fifty rupees.
Schedule XVII, rule 6, sub-rule (*1*).	Requisition on owners or occupiers to execute works or take measures with respect to buildings or block of buildings in order to prevent risk of disease.	Five hundred rupees in the case of a masonry building or block of masonry buildings, and one hundred rupees in the case of a hut or block of huts.	One hundred rupees in the case of a masonry building or block of masonry buildings, and twenty rupees in the case of a hut or block of huts.
Schedule XVII, rule 7, sub-rule (*1*).	Requisition to cleanse, fill up or dewater well, pool, ditch, tank, pond or marshy ground, or to drain off or remove waste or stagnant water.	Two hundred rupees	Fifty rupees.
Schedule XVII, rule 8, sub-rule (*3*).	Making excavation or digging cesspool, tank, pond, well or pit after prohibition.	One hundred rupees.	
Schedule XVII, rule 8, sub-rule (*4*).	Requisition on owner or occupier of land to fill up excavation, cesspool, tank, pond, well or pit unlawfully made.	Fifty rupees ...	Five rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clauses 479-482.)

Certain offences punishable with increased fine or imprisonment, or both, for a second or subsequent conviction.

479. Whoever commits any offence by contravening any provision of any of the sub-sections of this Act mentioned in the first column of the following table shall, notwithstanding anything contained in section 478, be punished, for a second or subsequent offence, with fine or imprisonment, or with both, to the extent mentioned in the third column thereof. [*Cf.* Ben. Act VI of 1919, s. 21.]

Explanation.—The entries in the second column of the following table, headed "Subject," are not intended as definitions of the offences described in the provisions mentioned in the first column, or even as abstracts of those provisions, but are inserted merely as references to the subject thereof:—

1	2	3
Sub-sections.	Subject.	Maximum fine or imprisonment, or both, which may be imposed for a second or subsequent offence.
Section 400, sub-section (*1*).	Sale, etc., of adulterated food or drug.	One thousand rupees, or imprisonment for three months, or both.
Section 401, sub-section (*1*).	Sale, etc., of milk, butter, *ghee*, wheat flour, mustard oil, or notified article, which is not of the prescribed quality.	One thousand rupees, or imprisonment for three months, or both.
Section 401, sub-section (*2*).	Sale, etc., of articles similar to milk, butter, *ghee*, etc.	Five hundred rupees, or imprisonment for three months, or both.

Punishment for contravening rule made under section 440.

480. Whoever contravenes any provision of any rule made under section 440 shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code. [*Cf.* 1899, s. 576.] XLV of 1860.

Punishment for acquiring share or interest in contract, etc., with the Corporation.

481. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or a partner or employer or employé, otherwise than as such officer or servant, any share or interest in any contract or employment with, by, or on behalf of, the Corporation, not being a share or interest such as, under clause (*ii*) or clause (*iv*) of proviso (*a*) of section 19, it is permissible for a Councillor or an Alderman to have without being thereby disqualified for being a Councillor or an Alderman, he shall be deemed to have committed the offence made punishable by section 16 of the Indian Penal Code. [*Cf.* 1899, s. 577.] XLV of 1860.

Fine for not taking out certain licenses.

482. (*1*) If any person— [*Cf.* 1899, s. 578.]

(*a*) owns or is in charge of any carriage or animal liable to any tax imposed under Chapter XI, or

(Part VIII.—Chapter XXXV.—Penalties.—Clauses 483, 484.)

(*b*) exercises on or after the first day of July in any year, any profession, trade or calling referred to in Chapter XII, or

(*c*) exercises on or after the first day of June or the first day of December in any year any calling referred to in Chapter XIII,

without having the license prescribed by those chapters, respectively, he shall be punished with fine which—

(*i*) may extend to three times the amount payable in respect of such license, and

(*ii*) shall not be less than one-and-a-half times such amount.

(*2*) Such fine, when levied, shall be taken in full satisfaction of the demand on account of the said license.

(*3*) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 173, fails to pay such sum, the amount due for a license being taken as the amount so compounded for.

Fine for unlawfully commencing, carrying on or completing building work.

483. If the erection of any new building— [*Cf.* 1899, s 579.]

(*a*) is commenced without obtaining the written permission of the Corporation, or

(*b*) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(*c*) is carried on or completed in breach of any provision contained in this Act or in any rules or by-laws made thereunder, or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

if any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building is commenced, carried on or completed in breach of section 329,

the owner of the building shall be liable to fine which may extend in the case of a masonry building to five hundred rupees and in the case of a hut to fifty rupees, and to further fine which may extend in the case of a masonry building to one hundred rupees and in the case of a hut to ten rupees for each day during which the offence is continued after the first day.

Fine for putting building to other than declared use.

484. When a new building has been erected, or when any building has been altered or added to after a statement has been made, under rule 55 or rule 83 of Schedule XVI, that it was intended to use the building or any part thereof for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed or cow-house, then any person putting the [*Cf.* 1899, s. 582.]

(Part VIII.—Chapter XXXV.—Penalties.—Clauses 485-487)

building or such part thereof to any use other than that so stated shall be liable,—

(*a*) in the case of a masonry building, to fine which may extend to five hundred rupees, and to further fine which may extend to one hundred rupees for every day after the first during which he continues such use, and,

(*b*) in the case of a hut, to fine which may extend to fifty rupees, and to further fine which may extend to ten rupees for every day after the first during which he continues such use.

Fine for using building for carrying on offensive trade without previous declaration.

485. When a new building has been erected, or when any building has been altered or added to under this Act without any statement having been made under rule 55 or rule 83 of Schedule XVI, that it was intended to use the building or any part thereof for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed or cow-house, then any person using the building or any part thereof for any of those purposes shall be liable,— [*Cf.* 1899, s. 583.]

(*a*) in the case of a masonry building, to fine which may extend to five hundred rupees, and to further fine which may extend to one hundred rupees for every day after the first during which he continues such use, and,

(*b*) in case of a hut, to fine which may extend to fifty rupees, and to further fine which may extend to ten rupees for every day after the first during which he continues such use.

Penalty on *mehters*, etc., withdrawing from work without notice.

486. Any *mehter* or other servant of the Corporation referred to in section 370 who withdraws from his duties in contravention of that section shall be punished with fine which may extend to one hundred rupees, or with rigorous imprisonment for a term which may extend to three months, or with both, and shall forfeit any salary which may be due to him. [*Cf.* 1899, s. 584.]

Penalty for obstructing contractor or removing mark.

487. Any person who, in contravention of section 541, obstructs or molests any person with whom the Corporation have entered into a contract, or, in contravention of section 542, removes any mark, shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two months. [*Cf.* 1899, s. 585.]

PART IX.

CHAPTER XXXVI.

PROCEDURE.

Licenses and written permissions.

Duration, conditions, signature, suspension, revocation and production of licenses and written permissions.

488. (*1*) Every license and written permission granted under this Act or under any rule or by-law made thereunder shall specify— [*Cf.* 1899, s. 586.]

(*a*) the date of the grant thereof;

(*b*) the purpose and the period (if any) for which it is granted;

(*c*) the restrictions and conditions (if any) subject to which it is granted;

(*d*) the name of the person to whom it is granted; and

(*e*) the tax or fee paid for the license or written permission.

(*2*) Except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, for every such license or written permission a fee may be charged at such rate as may from time to time be fixed by the Corporation, and such fee shall be payable by the person to whom the license is granted.

(*3*) Subject to the provisions of proviso (*i*) to section 391, any license or written permission granted under this Act or under any rule or by-law made thereunder may at any time be suspended or revoked by the authority by whom it was granted, if any of its restrictions or conditions is infringed or evaded by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule or by-law made thereunder in any matter to which such license or permission relates.

(*4*) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall for all purposes of this Act or of any rule or by-law made thereunder be deemed to be without a license or written permission until such time (whether within the said period or otherwise) as the authority granting the same may see fit to cancel the order suspending or revoking the license or written permission, or until the license or written permission is renewed, as the case may be.

(*5*) Every grantee of any such license or written permission shall at all reasonable times, while such license or written permission remains in force, produce the same at the request of the Executive Officer.

Public notices and advertisements.

Public notices how to be made known.

489. Every public notice given under this Act or under any rule or by-law made thereunder shall be in writing under the signature of the Executive Officer, [*Cf.* 1899, s. 587.]

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 490-494.)

and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspapers, or by any two or more of these means, and by any other means that the Executive Officer may think fit.

Newspapers in which advertisements or notices to be published.

490. Whenever it is provided by this Act or by any rule or by-law made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers and two vernacular newspapers published in Calcutta. [*Cf.* 1899, s. 588.]

Evidence.

Proof of consent, etc., of Corporation or municipal officer.

491. Whenever under this Act or under any rule or by-law made thereunder the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of— [*Cf.* 1899, s. 589.]

(*a*) the Corporation, or

(*b*) any municipal officer,

as the case may be, a written document signed in case (*a*) by the Secretary to the Corporation, and in case (*b*) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Signature and service of notices, etc.

Signature on notices, etc., may be stamped.

492. (*1*) Every license, written permission, notice bill, summons or other document which is required by this Act or by any rule or by-law made thereunder to bear the signature of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of such municipal officer stamped thereupon. [*Cf.* 1899, s. 590.]

(*2*) Nothing in sub-section (*1*) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 91.

Notices, etc., by whom to be served or issued.

493. All notices, bills, summonses and other documents required by this Act or by any rule or by-law made thereunder to be served upon, or issued to, any person, shall be so served or issued by municipal officers or servants or by other persons authorized by the Executive Officer in that behalf. [*Cf.* 1899, s. 591.]

Service how to be effected on owner or occupier of premises.

494. When any notice, bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person as owner or occupier of any land or building, it shall not be necessary to name the owner or occupier in the document, and the service or issue thereof shall be effected— [*Cf.* 1899, s. 593.]

(*a*) by giving or tendering such document to the owner or occupier or, if there be more than one owner or occupier, to any one of the owners or occupiers of such land or building; or,

(*b*) if the owner or occupier is not found, by giving or tendering such document to any adult male member of the family, or to a servant in the employ, of the owner or occupier or of any one of the owners or occupiers; or,

(*c*) if none of the means mentioned in clause (*a*) or clause (*b*) be available, by causing a notice on yellow paper, in the form prescribed in Schedule XXII, or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building to which the document relates.

Service how to be effected otherwise than on owner or occupier of premises.

495. When any notice, bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person otherwise than as owner or occupier of any land or building, such service or issue shall be effected— [*Cf.* 1899, s. 592.]

(*a*) by giving or tendering such document to such person; or,

(*b*) if such person is not found, by leaving such document at his last known place of abode in Calcutta, or by giving or tendering the same to any adult male member of his family or servant in his employ; or,

(*c*) if such person does not reside in Calcutta and his address elsewhere is known to the Executive Officer, by forwarding such document to him by post under cover bearing the said address; or,

(*d*) if none of the means referred to in clauses (*a*), (*b*) or (*c*) be available, by causing a notice on yellow paper in a form prescribed in Schedule XXII, or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building (if any) to which the document relates.

Sections 493 to 495 not to apply to Magistrate's summons.

496. Nothing in sections 493, 494 and 495 shall apply to any summons issued under this Act by a Magistrate. [1899, s. 594.]

Powers of entry.

Power to Executive Officer to enter premises to inspect, survey, etc., and to use force in certain cases.

497. (*1*) The Executive Officer may enter into or upon any premises, with or without assistants or workmen, in order to make any inspection, survey, measurement, valuation or inquiry, or execute any work which is authorized by this Act or by any rule or by-law made thereunder, or which, in his opinion, it is necessary for any of the purposes or in pursuance of any of the provisions of this Act or of any such rule or by-law, to make or execute: [*Cf.* 1899, s. 595.]

Provided as follows:—

(*a*) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(*b*) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no dwelling-house, and no public building or hut which is used as a dwelling-place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry;

(*c*) notwithstanding any power to enter any premises conferred upon the Executive Officer by this Act or by any rule or by-law made thereunder, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy need not be disturbed;

(*d*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(*2*) The Executive Officer shall not use any force for the purpose of effecting any entry under sub-section (*1*), unless— [*Cf.* 1899, s. 473 (*2*), proviso.]

(*i*) such entry cannot otherwise be effected, and

(*ii*) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule or by-law made thereunder.

(*3*) Except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (*1*), or by the use of any necessary force under sub-section (*2*). [*Cf.* 1899, ss. 473 (*2*) and 501 (*2*).]

Power to Executive Officer to enter on lands adjacent to works.

498. (*1*) The Executive Officer may enter upon any land adjoining or within one hundred yards of any works authorized by this Act or by any rule or by-law made thereunder for the purpose of depositing upon such land any soil, gravel, sand, lime, bricks, stone or other materials, or of obtaining access to such works, or for any other purpose connected with the carrying on of such works. [*Cf.* 1899, s 596.]

(*2*) The Executive Officer shall, before entering upon any land under sub-section (*1*), give the owner and occupier (if any) three days' previous written notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in the said sub-section.

(*3*) The Executive Officer shall not be bound to make any payment, tender or deposit before entering upon any land under sub-section (*1*), but shall do as little damage as may be, and shall pay compensation to the owner and occupier (if any) of the land for such entry and for any temporary damage that may be done in consequence thereof, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 499-501.)

Prohibition of obstructing entry under section 497 or 498.

499. No person shall, in any way, obstruct the Executive Officer in making any entry under section 497 or section 498, or any municipal officer or other person accompanying the Executive Officer at his request or acting under his orders for the purpose of such entry.

Enforcement of orders to execute work, etc.

Time for complying with requisition or order, and power to Corporation to enforce requisition or order in default of person directed.

500. (*1*) When any requisition or order is made under this Act or under any rule or by-law made thereunder, by written notice issued by the Corporation or by any municipal officer empowered under section 11 in this behalf,— [*Cf.* 1899, s. 597.]

(*a*) a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and

(*b*) a reasonable period shall be prescribed in such notice within which any written objection thereto shall be received by the Corporation or the municipal officer issuing the notice.

(*2*) If, in any case not otherwise provided for in this Act or in any rule or by-law made thereunder, such requisition or order or any portion thereof is not complied with within the period prescribed under clause (*a*) of sub-section (*1*), the Executive Officer may, subject to the provisions of sections 501,502, and 503, take such measures, or cause such work to be executed or such things to be done, as may, in his opinion, be necessary for giving due effect to the requisition or order so made;

and, unless it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(*3*) The Executive Officer may take any measure, execute any work or cause anything to be done under this section whether or not the person who has failed to comply with the requisition or order is liable to punishment, or has been prosecuted or sentenced to any punishment, under this Act or under any rule or by-law made thereunder for such failure.

Submission of objections to complying with notice.

501. (*1*) Any person who is served with a written notice in which a period for receiving objections has been prescribed under clause (*b*) of section 500 may, within the said period, deliver to the Corporation or the municipal officer by whom it was issued a written objection setting forth any reasons which he may desire to urge for the withdrawal or modification of the notice. [*Cf.* 1899, s. 598.]

(*2*) If any such objection be delivered before the expiration of the said period, the execution of the work may be postponed until the Corporation or the municipal officer by whom the notice was issued has passed orders on the objection.

(*3*) If the objector has stated in his written objection that he wishes to be heard in person, he shall be entitled to be so heard, and the objection shall be considered in his presence, at a time to be fixed by notice issued in this behalf by the Corporation or the municipal officer by whom the notice was issued.

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 502-505.)

Right of person served with notice to require estimate of expenses of work.

502. (*1*) Any person on whom a written notice referred to in section 501, sub-section (*1*), has been served may,— [*Cf.* 1899, s. 599.]

(*a*) instead of delivering an objection under section 501, or

(*b*) at the time of delivering such an objection,

apply, within the period prescribed in clause (*b*) of section 500, to the Corporation or the municipal officer by whom the notice was issued for an estimate of the expenses which would be incurred if the notice were enforced under section 500, sub-section (*2*); and, on receipt of such an application, the Corporation or the said officer shall supply such estimate.

(*2*) If the Corporation or the said officer fail to supply such estimate, not more than five rupees shall be charged to the said person for any work executed by the Executive Officer by way of enforcing the said notice under section 500.

Reference of objections to Corporation.

503. (*1*) If any estimate supplied under section 502 in respect of any work referred to in any written notice exceeds three hundred rupees, no work shall be executed by the Executive Officer by way of enforcing the said notice until the expiration of ten days from the date on which the estimate was so supplied. [*Cf.* 1899, s. 600.]

(*2*) Within a period of seven days from the said date, the person on whom the notice was served may apply in writing to have his objections to the execution of the work or to the estimated cost of the work determined by the Corporation;

and, if such application be made within the said period, no work shall be executed under section 500, by way of enforcing the said notice, until the Corporation have disposed of such objections.

Recovery of expenses.

Power to Corporation to accept agreement for payment of expenses in instalments.

504. Whenever under this Act or under any rule or by-law made thereunder the expenses of any work executed or of any measure taken or thing done by, or under the order of, the Corporation, any Magistrate or any municipal officer empowered under section 11 in this behalf, are payable by any person, the Corporation may, if they think fit, instead of recovering any such expenses in any other manner provided in this Act or in any rule or by-law made thereunder, take an agreement from the said person to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of six *per centum per annum*, within a period of not more than five years. [*Cf.* 1899, ss. 602 (*1*) and 605.]

Power to Corporation to declare certain expenses to be improvement expenses

505. If any expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned— [*Cf.* 1899, s. 606.]

(*a*) in section 261, section 263, section 266, sub-section (*1*), section 273, section 280, section 318, section 394 or section 395, clause (*b*), or rule 5 of Schedule XIII, or rule 7 of Schedule XVII, or

(*b*) in any rule or by-law made under this Act by which this section is made applicable to such expenses,

the Corporation may, if they think fit, declare such expenses to be improvement expenses.

Improvement expenses how recoverable and by whom payable.

506. (*1*) Improvement expenses, as declared under section 505, shall be a charge on the premises in respect of which or for the benefit of which the same have been incurred, and shall be recoverable in instalments of such amounts, not being less for any premises than twelve rupees *per annum*, and at such intervals, as will suffice to discharge such expenses, together with interest thereon at the rate of six *per centum per annum*, within such period, not exceeding thirty years, as the Corporation may in each case determine. [*Cf.* 1899, ss. 607 and 612.]

(*2*) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged:

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner in any Court of competent jurisdiction.

Right of owner or occupier to redeem charge for improvement expenses.

507. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the Corporation such part of the said expenses as are still payable. [*Cf.* 1899, s. 609.]

Execution of work by occupier in default of owner, and deduction of expenses from rent.

508. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or under any rule or by-law made thereunder, the occupier (if any) of such land or building may, with the approval of the Executive Officer, execute the said work, and he shall be entitled to recover from the owner the reasonable expenses incurred by him in so doing and may deduct the amount thereof from the rent payable by him to the owner. [*Cf.* 1899, s. 611.]

Relief to agents and trustees.

509. (*1*) Whenever any person, by reason of his— [*Cf.* 1899, s. 613.]

(*a*) receiving the rent of immovable property as agent or trustee, or

(*b*) being as agent or trustee the person who would receive the rent if the property were let to a tenant,

would, under this Act or under any rule or by-law made thereunder, be bound to discharge any obligation imposed thereby on the owner of the property and for the discharge of which money is required, and such person has not in his hands funds belonging or payable to the owner sufficient for the purpose,

he shall, within a reasonable time from the service upon him of any notice from the Corporation or any municipal officer empowered under section 11 in this behalf requiring him to discharge the said obligation,

be bound to apply to a Court of competent jurisdiction for leave to raise the necessary funds or for such other directions in relation thereto as the circumstances of the case may require.

(*2*) Any agent or trustee who fails to apply to the Court under sub-section (*1*) shall be deemed to be personally liable to discharge the said obligation.

Payment of compensation.

General power to Corporation to pay compensation.

510. In any case not otherwise expressly provided for in this Act or in any rule or by-law made thereunder, the Corporation may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act, or by any such rule or by-law, in the Corporation or in any municipal officer or servant. [*Cf.* 1899, s. 614.]

Compensation to be paid by offenders for damage caused by them.

511. (*1*) Any person who has been convicted of an offence against this Act or against any rule or by-law made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to any property of the Corporation resulting from the said offence as the Corporation may consider reasonable. [*Cf.* 1899, s. 615.]

(*2*) In the event of dispute regarding the amount of compensation payable under sub-section (*1*), such amount shall, on application made to him, be determined by the Magistrate before whom the said person was convicted of the said offence; and, on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

Reference by Corporation to Small Cause Court in certain cases.

512. (*1*) If, when the Corporation demand payment of any expenses referred to in section 504, their right to demand the same or the amount of the demand is disputed, the Corporation shall refer the case for the determination of the Court of Small Causes having local jurisdiction. [*Cf.* 1899, s. 616.]

(*2*) The Corporation shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by them, and shall, after the decision, proceed to recover only such amount (if any) as is thereby declared to be due.

Application to Small Cause Court in other cases.

513. (*1*) Where, in any case not provided for by section 512, the Corporation are, or any municipal officer or servant or any other person is, required by this Act or by any rule or by-law made thereunder to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined by the Court of Small Causes having local jurisdiction, on application being made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable. [*Cf.* 1899, s. 617.]

(*2*) This section shall not apply to any case which is otherwise provided for in section 413, sub-section (*3*), section 511, sub-section (*2*), or section 526, sub-section (*2*), or in the Land Acquisition Act, 1894, as amended by section 466 of this Act. 1 of 1894.

Recovery of sums ascertained under section 513 to be due.

514. If the amount of any expenses or compensation determined by a Court of Small Causes under section 513 is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under a decree of the said Court. [*Cf.* 1899, s. 618.]

Power to persons claiming expenses or compensation to sue.

515. Any person claiming any expenses or compensation of which the amount due has been ascertained as hereinbefore provided may,— [*Cf.* 1899, s. 619.]

(*a*) instead of proceeding in any manner hereinbefore prescribed for the recovery of such expenses or compensation, or,

(*b*) after having proceeded in the said manner unsuccessfully or with only partial success,

recover the said amount or the balance thereof, as the case may be, in any Court of competent jurisdiction from the person liable for the same.

Recovery of certain dues.

Recovery of certain dues by distress and sale.

516. In any case not expressly provided for in this Act or in any rule or by-law made thereunder, any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or under any such rule or by-law shall be recoverable by distress and sale of the movable property of the person from whom such sum is due, in the manner provided by Chapter XVI. [*Cf.* 1899, s. 620.]

Obstruction of owner by occupier.

Application to Chief Judge by owner when occupier prevents his complying with Act, etc.

517. (*1*) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Act or of any rule or by-law made thereunder, or with any requisition made under any such provision in respect of such land or building, apply to the Chief Judge of the Court of Small Causes of Calcutta. [*Cf.* 1899, s. 622.]

(*2*) The Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition, and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(*3*) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order; and, in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(*Part IX.—Chapter XXXVI.—Procedure.—Clauses 518, 519.*)

Proceedings before Court of Small Causes.

General powers and procedure of Small Cause Courts.

518. (*1*) Whenever under this Act or under any rule made thereunder, any application, appeal or reference is made to a Court of Small Causes or to the Chief Judge of the Court of Small Causes of Calcutta, the said Court or Judge, as the case may be, may for the purposes of any inquiry or proceeding in connection with such application, appeal or reference, summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as is possible, in the same manner as is provided by the Presidency Small Cause Courts Act, 1882, or the Provincial Small Cause Courts Act, 1887, as the case may be; [*Cf.* 1899, s 623 and 626.] XV of 1882. IX of 1887.

and, in all matters relating to any such inquiry or proceeding, the said Court or Chief Judge shall be guided generally by the provisions of the said Presidency Small Cause Courts Act, or of the said Provincial Small Cause Courts Act, as the case may be, so far as the same are applicable.

(*2*) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Court or Chief Judge may hear and determine the case in his absence.

(*3*) The costs of every such inquiry or proceeding, as determined by the said Court or Chief Judge, shall be payable by such parties and in such proportions as the said Court or Chief Judge may direct, and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the said Court or Chief Judge.

Fees in proceedings before Small Cause Courts.

519. (*1*) The Local Government may, by notification in the *Calcutta Gazette*, prescribe what fee (if any) shall be paid— [*Cf.* 1899, ss. 624 and 626.]

(*a*) on any application, appeal or reference made under this Act to a Court of Small Causes or to the Chief Judge of the Court of Small Causes of Calcutta, as the case may be; and

(*b*) for the issue, in connection with any inquiry or proceeding of any such Court or of the said Chief Judge under this Act, of any summons or other process:

Provided that the fees (if any) prescribed under clause (*a*) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees leviable, for the time being, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in which the value of the claim or subject-matter is of like amount XV of 1882

(*2*) The Local Government may, by a like notification, determine by what person any fee prescribed under clause (*a*) shall be payable.

(*3*) No application, appeal or reference shall be received by any Court of Small Causes or by the said Chief Judge until the fee (if any) prescribed therefor under clause (*a*) has been paid:

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 520-523.)

Provided that the said Court or the said Chief Judge may, in any case, in which it or he thinks fit so to do,—

(*i*) receive an application, appeal or reference made by or on behalf of a poor person, and

(*ii*) issue process on behalf of any such person,

without payment or on part payment of the fees prescribed under this section.

Repayment of half-fees on settlement before hearing.

520. Whenever any application, appeal or reference made under this Act to a Court of Small Causes or to the Chief Judge of the Court of Small Causes of Calcutta, as the case may be, is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Court or the said Chief Judge to the parties by whom the same have respectively been paid. [*Cf.* 1899, ss. 625 and 626.]

Power to the Chief Judge to delegate certain of his powers and to make rules

521. The Chief Judge of the Court of Small Causes of Calcutta may— [1899, s. 627.]

(*a*) delegate, either generally or specially, to any other Judge of the said Court his power to receive applications under this Act or under any rule made thereunder and to discharge any other duty in connection with such applications except the hearing and adjudication thereof; and

(*b*) make rules providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act or by any rule made thereunder which is not therein specifically provided for.

Proceedings before Magistrates.

Municipal Magistrates.

522. (*1*) The Local Government may appoint one or more Magistrates for the trial of offences against— [*Cf.* 1899, s. 628.]

(*a*) this Act, and

(*b*) the rules or by-laws made thereunder,

and may prescribe the times and places at which such Magistrate or Magistrates shall sit for the despatch of business.

(*2*) Such Magistrates shall be called Municipal Magistrates, and shall be paid such salary, pension and leave-allowances by the Local Government as may from time to time be fixed by the Local Government.

(*3*) The Corporation shall, out of the Municipal Fund, pay to the Local Government the amounts of the salary, pension and leave-allowances as fixed under sub-section (*2*), together with the cost of the establishments of the said Magistrates, and all other incidental charges in connection with such establishments.

(*4*) Each such Magistrate shall have jurisdiction over the whole of Calcutta.

Cognizance of offences.

523. All offences against this Act or against any rule or by-law made thereunder, whether committed in or without Calcutta, shall be cognizable by any [*Cf.* 1899, s. 629.]

Magistrate having jurisdiction in Calcutta; and such Magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed by reason only of his being—

(*a*) liable to pay any municipal rate or other tax, or

(*b*) benefited by the Municipal Fund to the credit of which any fine imposed by him shall be payable.

Power to Magistrate to hear case in absence of accused when summoned to appear.

524. If any person summoned to appear before a Magistrate to answer a charge of an offence against this Act or against any rule or by-law made thereunder fails to appear at the time and place mentioned in the summons, the Magistrate may, if— [*Cf.* 1899, s. 630.]

(*a*) service of the summons is proved to his satisfaction, and

(*b*) no sufficient cause is shown for the non-appearance of such person,

hear and determine the case in his absence.

Limitation of time for prosecution.

525. (*1*) No person shall be liable to punishment for any offence against this Act or against any rule or by-law made thereunder, unless complaint of such offence is made before a Magistrate within three months, or, if the offence be against the provisions of section 139, within six months, next after— [*Cf.* 1899, s. 631.]

(*a*) the date of the commission of such offence, or, [*Cf.* Ben. Act III of 1884, s. 353.]

(*b*) if such date is not known or the offence is continuous in its nature, the date on which the commission or existence of such offence was first brought to the notice of the Corporation or the Executive Officer.

(*2*) Failure to take out a license under this Act shall be deemed, for the purposes of sub-section (*1*), to be a continuing offence until the expiration of the period for which the license is required to be taken out.

(*3*) When, before the expiration of the period of limitation prescribed by sub-section (*1*) for a prosecution for failure to comply with a requisition made by the Corporation under sections 338, 339 or 342, a notice under section 354, sub-section (*1*), has been sent to the Corporation by any person to whom such requisition has been addressed, a fresh period of limitation of three months for such prosecution shall be computed from the expiration of the period of six months referred to in section 354, sub-section (*3*).

Complaints concerning nuisances, and procedure thereupon.

526. (*1*) The Corporation, or any person who resides in Calcutta, may complain to a Magistrate of the existence of any nuisance. [*Cf.* 1899, s. 632.]

(*2*) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, by written order direct the Corporation—

(*a*) to put in force any of the provisions of this Act or of the rules or by-laws made thereunder, or to take such measures as to such

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 527-529.)

Magistrate may seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance;

(*b*) to recover the expenses of so doing from any person specified in this behalf in such order; and

(*c*) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

Power to Magistrate to direct demolition and payment of fine in respect of unlawful work.

527. When under this Act or under any rule or by-law made thereunder any person is liable, in respect of any unlawful work,— [*Cf.* 1899, s. 452.]

(*a*) to pay a fine, and

(*b*) to be required to demolish the work,

a Magistrate may, in his discretion, direct the said person to pay the fine and also to demolish the work.

Legal proceedings.

Power to Corporation to institute, etc., legal proceedings and obtain legal advice.

528. The Corporation may,— [*Cf.* 1899, s. 633.]

(*a*) institute, defend or withdraw from legal proceedings under this Act or under any rule or by-law made thereunder;

(*b*) compound any offence against this Act or against any rule or by-law made thereunder which, under any enactment for the time being in force, may lawfully be compounded;

(*c*) admit, compromise or withdraw any claim made under this Act or under any rule or by-law made thereunder; and

(*d*) obtain such legal advice and assistance as they may from time to time think it necessary or expedient to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon the Corporation or any municipal officer or servant.

Notice, limitation and tender of amends in suit against the Corporation, etc.

529. (*1*) No suit shall be instituted against the Corporation or any muncipal officer or servant, or any person acting under the direction of the Corporation or any municipal officer or servant in respect of any act purporting to be done under this Act or under any rule or by-law made thereunder, until the expiration of one month next after written notice has been delivered or left at the municipal office or the residence of such officer, servant or person, stating— [*Cf.* 1899, s. 634.]

(*a*) the cause of action,

(*b*) the name and residence of the intending plaintiff, and

(*c*) the relief which he claims.

[*Cf.* Ben. Act V of 1911, s. 156.]

(Part IX.—Chapter XXXVI.—Procedure.—Clause 530.)

(*2*) Every such suit shall be commenced within three months next after the accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required by sub-section (*1*).

(*3*) If the Corporation or any person to whom any notice is given under sub-section (*1*), tender sufficient amends to the plaintiff before the suit is instituted, the suit shall be dismissed.

(*4*) If no such tender be made, the Corporation or such person may pay into Court such sum of money as they or he think fit, and thereupon such proceeding shall be had as in other cases in which defendants are allowed to pay money into Court.

(*5*) Nothing in the foregoing sub-sections shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877. I of 1877.

Indemnity to the Corporation, etc.

530. No suit shall be maintainable against the Corporation or any municipal officer or servant, or any person acting under the direction of the Corporation or any municipal officer or servant, or of a Magistrate, in respect of anything done lawfully and in good faith and with due care and attention under this Act or under any rule or by-law made thereunder. [*Cf.* 1899, s. 635.]

PART X.

CHAPTER XXXVII.

SUPPLEMENTAL PROVISIONS.

Extension of Act to Howrah and to other municipalities in the neighbourhood of Calcutta.

Power to Local Government to notify intention to extend Act to Howrah or other neighbouring municipality.

531. The Local Government may, by notification published in the *Calcutta Gazette* and in such other manner as they may determine, declare their intention to extend to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part thereof, subject to the modifications and restrictions (if any) specified in such notification, all or any portions of this Act which do not already apply thereto. [*Cf.* 1899, s. 640.]

Power to Local Government to extend Act after considering objections.

532. (*1*) The Commissioners of the Municipality of Howrah or of such other neighbouring municipality as may be specified in a notification published under section 531, or any inhabitants thereof, may, if they object to the declaration contained therein, submit their objection in writing to the Local Government within such period as may be specified in this behalf in the said notification; and the Local Government shall take such objections into consideration. [*Cf.* 1899, s. 641.]

(*2*) When the said period has expired, and the Local Government have considered the objections (if any) which have been submitted under sub-section (*1*), the Local Government may, by notification in the *Calcutta Gazette*, extend to the Municipality of Howrah or to the said neighbouring municipality, or to the part thereof specified in the said notification, as the case may be, all or any of the portions of this Act which were specified in that notification, subject to the modifications and restrictions (if any) specified therein or subject to such other modifications or restrictions (if any) as the Local Government may think fit, or without modification or restriction of any kind.

Effect of extension of Act.

533. If all or any portions of this Act which do not already apply to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta be extended to such municipality, or to any part thereof, under section 532, then— [*Cf.* 1899, s. 642.]

(*a*) the Bengal Municipal Act, 1884, or the corresponding portions of that Act, as the case may be, shall be repealed in the said municipality or part on and from the date of such extension; and, Ben. Act III of 1884.

(*b*) except as the Local Government may otherwise by notification in the *Calcutta Gazette* direct, all rules, by-laws, orders, directions and powers made, issued or conferred under the portions of this Act which have been so extended and in force at the date of such extension, shall apply to the said municipality or part, in supersession of all corresponding rules, by-laws, orders, directions and powers made, issued or conferred under the said Bengal Municipal Act, 1884. Ben. Act III of 1884.

Explanation.—The extension to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part

(Part X.—Chapter XXXVII.—Supplemental provisions.—Clauses 534-536.)

thereof, of any portion of this Act shall not have the effect of placing the said municipality or part under the authority of the Corporation of Calcutta.

Police.

Co-operation of the Police.

534. (*1*) The Commissioner of Police and his subordinates shall— [*Cf.* 1899, s. 643.]

(*a*) co-operate with the Corporation for carrying into effect and enforcing the provisions of this Act and for maintaining good order in Calcutta, and,

(*b*) on the order of a Magistrate, assist the Corporation or any municipal officer or servant in carrying out any order made by a Magistrate under this Act.

(*2*) It shall be the duty of every police-officer in Calcutta—

(*i*) to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule or by-law made thereunder, and

(*ii*) to assist any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Corporation or in such municipal officer or servant under this Act or under any such rule or by-law.

Power to police to arrest offenders.

535. (*1*) It shall be the duty of every police-officer to arrest any person who commits, in his view, any offence against this Act or against any rule or by-law made thereunder, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name or address which such officer has reason to believe to be false. [*Cf.* 1899, s. 644.]

(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time (not exceeding at the most twenty-four hours from the arrest) than is necessary for bringing him before a Magistrate.

(*3*) On the written application of the Executive Officer, the Chief Engineer or the Health Officer, any police-officer above the rank of constable shall arrest any person who obstructs any municipal officer or servant in the exercise of any of the powers conferred by this Act or by any rule or by-law made thereunder.

Special provisions as to land and buildings in Hastings.

Control by General Officer Commanding the Presidency District over Government land and buildings.

536. Notwithstanding anything contained in this Act, all land and buildings belonging to the Government in that part of Hastings which is included in Calcutta shall be subject to the control of the General Officer Commanding the Presidency District. [1899, s. 649.]

(Part X.—Chapter XXXVII.—Supplemental provisions.—Clauses 537-541.)

Sanction of Government of India required to erection of masonry building.

537. Notwithstanding anything contained in this Act— [*Cf.* 1899, s. 650.]

(*a*) permission to erect a masonry building in that part of Hastings which is included in Calcutta shall not be given or be deemed to have been given unless and until the sanction of the Government of India has been obtained; and

(*b*) such sanction shall not be applied for unless the plan of the building and the site-plan of the land are approved by the Commissioner of Police.

Demolition of buildings erected without such sanction.

538. (*1*) If the erection of any masonry new building in that part of Hastings which is included in Calcutta is, after the commencement of this Act, commenced, carried on or completed without obtaining the sanction of the Government of India, the Executive Officer shall, if requested by the General Officer Commanding the Presidency District to do so,— [*Cf.* 1899, s. 651.]

(*a*) by written notice direct the owner to demolish the building, or

(*b*) himself cause the building to be demolished at the expense of the owner.

(*2*) No person shall be entitled to any compensation on account of such demolition.

General provisions.

Who to be deemed owner or occupier, where there are gradations of owners or occupiers.

539. Whenever any right is conferred or duty imposed by or under this Act, or by any rule or by-law made thereunder, on the owner or occupier of any premises, and, in consequence of there being gradations of owners or occupiers, doubt arises as to who is the owner or occupier entitled to exercise such right or bound to perform such duty, the Corporation may, after due inquiry, determine from time to time which of such owners or occupiers shall be deemed to be so entitled or bound: [*Cf.* 1899, s. 645.]

Provided that if the name of any one of such owners or occupiers has been entered in the assessment-book in pursuance of any decision given by the Executive Officer under section 147, sub-section (*2*), such owner or occupier shall be deemed to be so entitled or bound until his name is duly removed from the said assessment-book.

Councillors, Aldermen, municipal officers, etc., to be deemed public servants.

540. Every Councillor and Alderman, every municipal officer and servant, every contractor or agent for the collection of any municipal rate or other tax or fee and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. [*Cf.* 1899, s. 646.]

XLV of 1860.

Prohibition of obstruction of municipal contractors.

541. No person shall obstruct or molest any person (not being a person referred to in section 540) with whom the Mayor has entered into a contract on behalf of the Corporation, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue, [*Cf.* 1899, s. 647.]